Confidential Collection

no. 31 of 1939-40

Later References:
CB. 98-39-17.

1939-40
C.B.

CB File no. 98-3
Serial nos. 1, 7.

General and Revenue Secretariat

Serial nos 187

part 'B' for April 1940.

Subject - Mr. Mahadeva Desai's note on political situation in Mysore and Mr. A.R. Nageswara Iyer's report of enquiry into the allegations of police excesses against political persons and the Government's views thereon

Confidential Collection
No 31 of 1939-40.

pp. F. IX-4

(1939-40 CS.)

CB File No. 98-3

Serial Nos. 1, 7

Previous References

S.L.N.O. 50 2nd list

Later References.

CS 98-39-17

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1+7

Part B for April 1940

SUBJECT.

Mr. Mahadeva Desai's note on the political situation in Mysore and Mr. R. Nageswara Iyer's report of inquiry into the allegations of police excesses on political prisoners and the Govt Review thereon.

WD 0573—GPB—22,50. 12-9-39

18/7/40

Serial No.

Subject:- A note on the situation in Mysore By Mr. Mahadev Desai.

A draft Submission Note as directed is put up.

1st Member
2nd Member
Dewan

MK 28/12

MKL 29/12/39

PV 29.12.39

MK 29/12

NOTE - Contn. Sheet

Submitted to His Highness.

Mr. Mahadev Desai, Secretary to Mahatma Gandhi, paid a visit to the State on the 12th December 1939 with a view to obtaining information about the allegations made regarding the ill-treatment of political prisoners and satyagrahis.

Mr. Desai arrived in Bangalore on the 12th December, and was accommodated at Race View as a guest. He was permitted to see things for himself, and the Deputy Commissioners of the Districts and the Inspector General of Prisons were instructed to give him all necessary facilities in the matter. Mr. Desai accordingly toured in several parts of the State.

Mr. Desai has now sent a note wherein he has stated that there have been some cases of brutal assaults by the police and other Government subordinates on satyagrahis and political prisoners. His conclusions are that in almost all places, the people were non-violent, that unseemly tortures were used by the police against many in order to extort apologies, and that a number of people were left in distant places after arrest, and that in a particular instance, a few people were left about 70 miles away from the place of arrest.

I am afraid Mr. Desai has too readily believed stories of police ill-treatment etc., placed before him by the local Congress leaders who acted as his guides and interpreters throughout the tour. The reports of the local officers indicate that there could be little or no truth in these stories. In view, however, of the very serious allegations made and the importance of publishing the actual facts after close verification, it is considered advisable to hold an independent and impartial enquiry so that the parties may present their cases in person.

I beg, therefore, to suggest that Mr. Justice A.R. Nagesvara Iyer, Judge, High Court, who is due to return from leave on the 2nd January 1940, may be appointed as the Enquiring Officer for a period of one month, within which period he will be asked to submit his report. The Chief Justice has kindly agreed to spare the services of Mr. Nagesvara Iyer, and to make other arrangements to fill up the place of a Judge. Gracious sanction of His Highness is solicited to the above recommendation, which has been agreed to by the Member of Council.

Mirza M. Ismail
DEWAN.

Camp Arsikere,
30th December 1939.

H.H. 416.

7

General and Revenue
Secretariat.

SUBJECT:—

Proposal to appoint Mr. Justice A. R. Nagesvara Iyer, Judge, High Court of Mysore, to enquire into the allegations of ill-treatment of political prisoners by the police

---

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide* *Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

.....Department.

FIRST MEMBER OF COUNCIL.

SECOND MEMBER OF COUNCIL.

CB
MS
5.1.40

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

NOTE.—Contn. sheet

WD 04642—GPB—500—23-10-39

Proposal to appoint Mr. Justice A. ...
Ma Devaraja Iyer, Judge, High Court of Madras,
to enquire into the alleg tions of ill-
treatment of political prisoners by the Police

9

Serial No.

Subject:- Appointment of Mr. Nagesvara Iyer to enquire into allegations of police excesses on political prisoners.

Draft Govt. Order subd.

GA.
6/1.

Chief Sec) 6/1/40

Dewan) 6/1/40

6-1-40 6.1.40

Draft for Mr Desai is subd for appl.

Member & Dewan) 6/1/40

7/1/40 7.1.40

7-1-40 8/1

To Mr. Mahadev Desai, Sheagon, Wardha, No.3476 dated 8-1-40 stating that Govt. are ordering an enquiry into the matter and requesting his cooperation.

- - -

1 Govt. Order No. 3420-3473 dated 8th January 1940

NOTE - Contn. Sheet

File No. of 19 .

General and Revenue Secretariat.

Serial No.

appointing Mr. A.R.Nagewara Iyer as Enquiring Officer for a period of one month.

Three copies of the G.O. are put up for being communicated to the Comptroller through the Finance Department.

10/1/40

10.1.40

Financial Secy. has agreed. Draft and fair below. Pl. canc. 1655.

10.1.40

Serial No.

Government Order No. 3420-73/C.B. 98-39-1 dated 8th January 1940 appointing Mr. Justice A.R. Nagesvara Iyer, Judge, High Court of Mysore, to enquire into the allegations of police excesses on political prisoners.

Press Communique No. 3563/C.B. 98-39 dated 12th January 1940 furnishing particulars of places and dates of enquiry.

Nos. 3564-67/Encls.2 dated 12th January 1940 to the Deputy Commissioners of Bangalore, Kolar, Shimoga and Chitaldrug respectively forwarding copies of G.O. appointing the officer and the Press Communique and requesting to give all assistance necessary to the officer besides taking action to summon witnesses.

No. 3569/C.B. Encls.2 dated 13th January 1940 to the Secretary, Mythic Society, Bangalore, forwarding copy of G.O. appointing the officer and requesting him to place the Daly Memorial Hall at the disposal of the Officer for a few days from 17th Jan. 1940.

NOTE - Contn. Sheet

File No. of 19 .

General and Revenue Secretariat.

Serial No.

D.O. dated 13th January 1940 from the Secretary The Mythic Society, Bangalore complying with the request to place the Daly Memorial Hall at the disposal of the Enquiring officer from 17th Jan.

Serial No.

E

R. Issued.

Y. Issued.

DL daily Memorandum letter Hall would be better

Mr. Justice A.R. Nagesvara Iyer ~~has been~~ will shortly be relieved ~~of the High Court.~~ He proposes tentatively the following programme:

1. Examination of witnesses to commence at

Bangalore	on 17th January 1940
Kolar	on 22nd January 1940
Shimoga	on 29th January 1940
Chitaldrug	on 6th February 1940.

2. A statement of the points of enquiry arising from Mr. Desai's note is put up.

3. A draft of a Press Communique to be issued calling on witnesses to appear before the Enquiring Officer is put up.

4. Draft of a letter to Deputy Commissioners is put up.

5. The enquiry will be held at the Legislative Council Hall in Bangalore and at the Travellers' Bungalows in the other places.

6. It is for orders whether the enquiry should be a departmental enquiry or a public enquiry to which the public and the Press may be admitted.

Since this is an enquiry against Govt. officers, namely Police officials, it is to be departmental enquiry under Standing Order 220 (page 76) of the Manual of General Circulars and Standing Orders, Vol. I. It will be held in quasi judicial form by an officer nominated for the purpose. It will not be desirable

17

Serial No.

desirable to admit the public and the Press into an enquiry of this sort. The proceedings will be published broadcast by the Press and though what the witnesses state might be pure uncorroborated allegations, in many cases false and frivolous, their publication would be believed as facts by the credulous public and is likely to create serious injury to the reputation of the officers concerned ~~and~~ although ultimately they might be found to be not guilty. Under the General Circulars and Standing Orders, a departmental enquiry is not open to the Press, and the Press and the public may be excluded.

To start with at any rate, the enquiry need not be open to the general public and the press.
PMM

7. It is in the discretion of the Enquiring Officer to allow counsel. The complainants as well as the accused officers may be allowed to be represented by Counsel.

8. If any of the police officers who have been accused of alleged excesses, engage Counsel, Government may meet the cost of their defence if they are ultimately found to be not guilty, as is ordinarily done.

9. A steno-typist, a clerk and 3 peons will be provided to the Enquiring Officer from the Secretariat.

I am not in favour of a public enquiry. It may be regarded as a departmental one.
MO
14-1-40

10. Mr. Justice A.R. Nagesvara Iyer said that he would start the enquiry on the specific charges that have been indicated in Mr. Desai's note against some officers and hear other persons also if they came forward.

1st Member
Dewan

CR
12/1/40

PMM
12/1/40.

CR 12/1/40

PMM
15/1/40

C.S. 15/1

Serial No.

Draft letter to Mr. Nageswara Iyer regarding the nature of the enquiry is invited. It is the views in copies of this may be sent to the Govt. Dy. Comms. also.

16/1.

15/1

To Mr. A.R. Nageswara Iyer, No. 3602 B 15/1/40 informing him that the enquiry is to be a departmental one, and not open to the Public.

3603-B 15/1/40- forwarding copy of above to D.Cs, Kolar, Bangalore, Shimoga & Chitaldrug.

Received with reference to item 7 in the previous page, regarding the staff.

16/1.

Stenotypist Ramamurthi who is now working with the Administration Committee (The work there appears to have finished) & B.B. Sankara Rau of Protection Branch maybe deputed for work in Mr. Nageswara's enquiry. The Registrar may kindly depute 3 peons from this evening

16/1/40

Auditor Taken.

16.1.40.

NOTE-Contn. Sheet.

File No. of 19 .

General and Revenue Secretariat.

Serial No.

Letter to the I.G.P. is sent regarding engaging counsel by Police Officers. (item 8 in the list.)

16/1.

ISSUED.

4/1/71/hw

Serial No.

Mr. Justice Nagesvara Iyer's report on allegations of Police excesses on political prisoners.

The report was received on the 26th February, but it has not yet been sent to the Press as Mr. Nagesvara Iyer has taken back the copy for ~~carrying~~ correction and making ~~out~~ certain verbal alterations. An advance copy is herewith subd. to the Dewan, as instructed by him before he left for Calcutta. The copy will be sent to the Press as soon as it is received from Mr. Nagesvara Iyer with the corrections.

Dewan)

MS 2.3.40

MS 11-3-40

MS 11/3

2096/43 ₹2-2

General and Revenue Secretariat. | File No. of 19 . | [App. F. III-2

Serial No.

Letter dated 24th Feb. 40 from Mr. A.R. Nagesvara Iyer forwarding his report.

A draft Govt. Order with a copy of the second proof of the Report, is subd. Copies of the draft G.O. have also been sent to the Chief Justice, Mr. Nagesvar Iyer and the First Member of Council.

Dewan) MS 30/3/40

6918

OFFICE OF THE FIRST MEMBER OF COUNCIL
APR 2 1940
No. 9053

A revised draft embodying the alterations suggested by Sir D'Arcy Reilly and the Dewan is subd

1st member & Dewan) MS 1.4.40

Mll 2/4/40

Ms 2-4-40

Subd.

2nd member) JRV 6-4-40 MS 4.4.40

D. S. N. put up.

Dewan) Ms 6-4-40

NOTE—Contn. Sheet

Submitted to His Highness.

With His Highness's gracious approval, Mr. Justice A. R. Nagesvara Iyer, Judge, High Court, was appointed as Inquiry Officer to enquire into allegations of ill-treatment of political prisoners and satyagrahis. Mr. Nagesvara Iyer commenced his inquiry on 17th January and submitted his report on 24th February 1940. He held sittings at Bangalore, Kolar, the Kolar Gold Field, Shimoga and Chitaldrug, and examined ninety witnesses. Although every facility was afforded to the people who made the accusations to come forward and give evidence, most of these either did not attend or refused to take part in the proceedings on the plea that the Mysore Congress did not authorise them to give evidence.

Nevertheless, a large volume of oral and documentary evidence, both official and non-official, was adduced before the Inquiry Officer, including 17 persons who had taken part in the movement.

The main allegations in respect of which the inquiry was ordered are the following:-

(a) That several persons arrested in connection with the Civil disobedience movement were ill-treated by the police and some subordinates of the Excise Department;

(b) that some of them were subjected to torture in order to extort apologies from them;

(c) that they were not given proper food; and

(d) that some of the arrested persons were released in forest tracts and uninhabited areas far away from their homes.

Mr. Nagesvara Iyer has come to the conclusion that no case of ill-treatment or of torture has been made out. Nor is it found that any ~~such~~ person was put to undue hardship by improper accommodation while a prisoner or by being left in forest tracts or other uninhabited localities. The Inquiry Officer states that in one place sufficient arrangements were not made for feeding a batch of persons in the Kolar District, and that there may have been a failure in this respect in regard to another batch in the Chitaldrug District, though this is not clearly established.

It is proposed to accept the findings of the Inquiry Officer. A draft Government Order is accordingly put up, which has been agreed to

by

I 28

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Mr. Justice A. R. Nageswara Iyer's report of inquiry into allegations of ill-treatment of political prisoners and the draft Government Order thereon.

Chief Sec
Dev
P. C. & S. No. 673

Order.

~~KRW~~
10/4/40

MS
18.4.40

General and Revenue
Secretariat.

N·S·297. 130

SUBJECT:—

Mr. Justice A.R. Nagarwala's report of inquiry into allegations of ill-treatment of political prisoners and the draft G.C. thereon.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

M Visvanadham

Chief Secretary to Government.

Through the Secretary to Government,

.....Department.

9640
18.4.40

FIRST MEMBER OF COUNCIL. 18/4/40

9148
19.4.40

SECOND MEMBER OF COUNCIL. 19.4.40

CB.

19/4

NOTE.—Contn. sheet

WD 01152—GPB—750—21-12-38

Serial No.

B
with Report

Copies of the Report were sent to the Dewan, and the Members of Council, Mr. Nagesvara Iyer and the Chief Justice.

NOTE--Contn. Sheet

₹ 34

Mr. Mahdon Dutt's

A note on situation in Mysore.

Sir Mirza Ismail was good enough to invite me to see things for myself and, when I went to Bangalore on the 12th and toured the whole State between the 12th and the 17th he was good enough to provide every facility so as to enable me to visit prisoners in all jails and he deputed Deputy Commissioners and other officials in most places either to accompany me or to be present when I carried out my investigations.

In Bangalore Sir Mirza Ismail invited me to meet at his place Dewan Bahadur K.R.Srinivasa Iyengar, Shri.Hayavadana Rao and Mr.Mathan, the first being the Chairman of the Committee on Constitutional Reform in Mysore and ~~three~~ two having one time or other been high-placed government servants. These three gentlemen argued with me at length generally on the inherent merits of the reforms. The Dewan Bahadur also gave me a copy of the report containing His Highness the Maharaja's Proclamation and a typed report of 35 quarto-sheets of his speech before the Journalists' Association explaining the inherent merits. I have studied all these documents with considerable care and attention. Whilst admitting that the reforms do not give full responsible government and even regretting that the Government should not have declared it as the goal as suggested by the majority of the members of the Committee, he argued that they were full of great possibilities and that as the government resolution regarding the number of nominated members of the Council, and the selection and the number of Ministers from the elected and official members was not rigid, wholesome conventions could be created, the number of official and nominated members may be reduced, the number of Ministers may be increased so as to confine them only to the elected members of the Council and that gradual progress towards responsible government was thus bound to be ensured. If that was the case, it was not clear why Government should not give an assurance on these points in a special communique. The Dewan Bahadur admits in his note that even the innocuous recommendations of the Committee regarding fundamental rights and the ensuring of the independence of the judiciary were not accepted by Government.

The other two members contended that responsible government was either not desired by the masses or that it was not suited to Mysore which had no foreign ruler (as in British India) but an enlightened Mysorean

as its ruler and an enlightened Mysorean as his Dewan. Party Government was bad in principle, they argued, and one of them went to the length of asserting that many - he had first said most - of the Congress leaders were men without character. It was difficult to argue with this gentleman with any amount of patience. Mr.Mathan, a Travancorean, who has put in about 35 years service here and who contended that responsible government was not desired by the people of Mysore, was however full of sympathy for the agitation in Travancore. Conditions there, he said, were quite different! These old gentlemen did not seem to realise that their day is done.

The Dewan's objection to the agitation in Mysore was broadly on three grounds: First, that it was a purely non-Brahmin movement, and secondly that it was led by undesirable people, people who were inspired by selfish ends, had personal animosity towards him and had indulged in violent language against His Highness the Maharaja; and thirdly that the movement was confined only to a few as the people in general knew that they were in full enjoyment of civil liberties. Speaking about Shri.Bhashyam Iyengar he said that he had borrowed a loan of Rs.2,500 from the Industries Department of the State which he seemed to have no intention to repay. On my speaking to Mr.Bhashyam about this, he said he strongly resented the insinuation, the loan was secured by his garden which the State may confiscate if it was not repaid, and that the State had given him no opportunity to repay it. At all events, it was no misappropriation.

None of these gentlemen including the Dewan objected to the movement on the ground that it was conducted on violent lines. Only at one place viz. Chitaldrug was the allegation made with a certain amount of seriousness that the people had been violent. The violence lay in the forest satyagrahis having stopped a military ambulance car and pelted it with stones. The Deputy Commissioner said that it was stopped for an hour. The Superintendent of Police corrected him and said that it was stopped for half an hour. He added that he was on the spot and it was with great difficulty that he could persuade the Military not to open fire. Asked if any of the men was injured or hit by the stones he said 'no'. Asked if any part of the van-glass or anything else was damaged, he said 'no'.

The popular version is that there was absolutely no attempt on the part of the people to stop the van, but that as there were thousands of people on the road which was very narrow and the road was blocked for a few minutes. There was no stone-throwing and an advocate who is a leading lawyer of the district and a non-Congressman, and who was on the spot, has made a statement that the people had behaved with exemplary non-violence.

There was one more allegation of a police inspector being mishandled by the crowd and who as a result lost his tooth. A responsible man from the villages gave a long account giving the lie to the statement. The men concerned have been given various terms of imprisonment extending to two years and Rs.750 fine each. The Superintendent of Police when questioned whether if all these people generally undertook to take no part in the movement they would have been released, admitted that they would have been released and that he had given them the promise. Even on persuasion of the old headman who narrated the story they had refused to give any such undertaking. It is inconceivable that the Police should on the strength of such an undertaking have been ready to withdraw the cases against them - cases involving offences that have meant sentences of two years and Rs.750/- fine - if the offences had been really committed. They had been convicted on the exclusive evidence of official witnesses and the prosecution had no non-official evidence to support them.

I spent several hours with the Deputy Commissioners of three other districts but not one of them had any allegation of violence to make.

As regards the statement that the movement was confined to non-Brahmins I may say that in many places I was the guest of respected Brahmans, one or more members of whose families had been to jail. I met numerous people in the districts, some of whom whilst ~~explaining~~ they expressed the desire that there should be a settlement between the Congress and the State did not whisper a suggestion that the movement was communal or confined to non-Brahmans. It must be remembered that nearly 90 per cent of the population of the State are non-Brahmans. Nor is the charge in any way justified that the movement is confined to only a few and has no public sympathy. I met hundreds of people in villages and thousands in towns and in spite of myself had to address several score meetings. The public meeting in Bangalore must have been attended by twenty to twenty five

thousand people. The receptions I received everywhere were almost embarrassing and I saw nothing to suggest that the movement lacked public sympathy and support.

I now come to the charges of misbehaviour and brutal conduct of the police. Scores of cases were cited. I could not in the brief time at my disposal go into all of them. That the flood-tide of prison-going population took the authorities by storm and that there was very insufficient accommodation in police lock-ups and jails is admitted by the authorities. In lock-ups which could not accommodate five people many as fifteen and twenty were huddled together, in some cases food not given for more than twenty four hours, in one lock-up the ertrials had to answer the calls of nature on the floor of the lock-up elf, one prisoner deposed to having been allowed a bath three times in one month and three days. There is no doubt that a number of people were left in distant places - in some cases in uninhabited places and jungles, and one prisoner who is now in jail for the third time said that he with a party of 11 were left one by one at every mile or two after they had been driven some seventy miles from the place of their arrest. As none of the allegations about these hardships in lock-ups and of men being left in distant places were seriously disputed by the authorities, I refused to hear more than a few typical cases, and addressed myself exclusively to allegations of torture and brutality. Several witnesses in Bangalore jail and a few who are out deposed to unseemly torture being used against them in order to extort apologies, besides of course having received the usual kicks with boots, being kicked about like a football, and spat upon. This unseemly torture consisted in urine being forced down their throats whilst in police lock-ups. There were several cases of this kind. One man deposed to being stripped naked, belaboured, and the police constable having tried to force his penis into his mouth. Another complained of urine being poured into his mouth which was forced open, of being stripped naked and of an attempted indecent assault. These allegations were made in the presence of jail officials. One man who had apologised and was thus out happened to be in a meeting of the workers I addressed in Bangalore on the 13th. I thought it was best to take him along with me to the Dewan and let him examine him thoroughly. I did

and the Dewan along with the District Magistrate of Kolar cross-examined him at length. He repeated the story before them in gruesome detail. The District Magistrate's version was that he was on the pretext of this torture seeking to cover the shame of his apology, and that he had been tutored to do so. I have no reason to doubt the man's story. Another man who was also with this man complained of having been belaboured by the police, spat upon, and a Harijan's urine having been poured into his mouth. The District Magistrate who exhaustively cross-examined him tried to make out that the apology was signed before the alleged torture and so the story was false. I went at great length into the story and when cross-examined the District Magistrate admitted that there was a half-truth in the story, but that he was not concerned in finding out how much was true and how much was false as the case had not happened within his jurisdiction. It is curious to note that in the whole state this particular allegation (urine being forced down the victims' throats) was made only against one police inspector called Bhogayya, and no one else. The Deputy Commissioner admitted that this Bhogayya and another inspector called Keshava Iyengar were "rotters" whatever he may have meant by the term. This Deputy Commissioner who struck me to be a man of consummate cunning proudly claimed to have 102 apologies to his credit out of the 400 odd arrests made in his district. 22 people in a batch had tendered apologies to him from one village. Quite a number of these boldly made ~~these~~ allegations of torture to his face. One man who had been so severely belaboured was treated for a month in the local dispensary and said to the Deputy Commissioner: "Did you not threaten to flay me alive?" He tried to laugh him down, but the man vehemently repeated the allegation. Others showed me actual marks of violence on their persons of spiked boots etc.

Keshava Iyengar who figures largely in cases in Shimoga Dist., was, it will be remembered, described by the Deputy Commissioner as "a rotter." One instance of his exploits should be enough todamn him. Shri.Veerabhadrappa is a land-owner of Sagar paying Rs.1,800 land revenue. He has been an invalid ~~under~~ for some months. He was arrested under the Public Safety Act. I saw him in the Shimoga hospital where he was undergoing treatment. In a feeble voice he narrated the story of his arrest which rent my heart: "I have been an invalid suffering from intestinal trouble and have no energy for effective work. I had gone out to fetch flowers for puja.

Keshava Iyengar met me on the way and shouted: "You are arrested". I begged of him to let me leave the flowers at home, after which I said I should gladly follow him to the police station. 'No' he shouted, 'follow me'. I did so and in the lock-up, without the slightest provocation he began to beat me and call me filthy names. I said I had done nothing and was an ~~it~~ invalid. Thereupon he abused me more and spat upon my face. Oh, I cannot describe the shame of it. Most of the days of my imprisonment without trial I have spent in the hospital."

On my telling Sir Mirza Ismail about this he said: "He is a Lingayat, is he not? There is that anti-Lingayat feeling among Brahmans, and I should not be surprised if it was true. I shall make thorough enquiries."

There is one instance in which Sir Mirza's own cousin, an Excise Superintendent is involved. A volunteer narrated how he had been beaten, kicked with boots, how his clothes were torn from him. "Then they wrested the Flag from me along with my Gandhi cap and burnt both. Then the Excise Superintendent belaboured me and spat into my mouth." As the culprit in question was said to be closely related to Sir Mirza, I went into more detail. "He apat into your mouth or spat on your face?" I asked him. "He spat on my face and also into my mouth." "Did you open your mouth voluntarily or they forced it open?" He said: "I was belaboured and I was crying and as I was crying he spat into my mouth." "Did he do so by accident, as your mouth was open, or did he do it by design?" "I have no doubt he did it deliberately. The dafedar then kicked me with his boots, and the Reserve Police with tamarind birches. I showed the injuries I had received to the doctor in jail. At the Kasba police lock-up they offered to appoint me a police constable on Rs.18 per month. Food was given only after we promised to give apologies. This was a ruse to get food. After we had the food we refused to ~~give~~ sign apologies. I was again beaten and my nose bled."

This was in the forest satyagraha area. Several people deposed to having been belaboured and kicked and abused for just having gone to see the satyagaraha. Three people received additional attention. "The police having beaten and kicked us offered to release us if ~~we paid them~~ we paid them Rs.3 each. We borrowed it from Advappa who paid it to the dafedar on our behalf."

Shivappa, an ex-headman and with two convictions under the Penal

46

Code, was the man who complained against these and other people who were either beaten and relieved of their sheep or money. Two women were also beaten. One of them said in the presence of the police officials and Amaldar: "They tried forcibly to push me into the room. I warned them against touching my person, but they laid hands on me and used most filthy words of abuse. After this I was taken to the Amaldar who is present here. He too used foul words of abuse (she repeated the actual words of abuse used) and they took my thumb impression on some sheet of paper. I gave my thumb impression in order to escape further indignities."

I asked the Amaldar if he would like to cross-examine her. He asked her: "Did I abuse you?"

"You did and these were the words you used."

The Amaldar protested that he had not done so.

And all this to cow down people. The movement has been alleged to be a non-Brahman movement. In this connection the statement of Venkatarao in Shimoga prison is interesting (Keshava Iyengar being the principal actor here): "The Inspector and the Sub-Inspector of Sagar sent for me and said that the Congress was communal and in the hands of non-Brahmans, and being a Brahman I should have nothing to do with it. He allowed me an hour's time to consider. Then when I would not listen I was left without bedding, covering etc. The Sub-Inspector abused me and asked me to apologise and warned me that my brother who is in government service would get into trouble if I did not apologise. I refused."

(i)

7)

I now come to the question of apologies. There is no doubt that the number of these is considerable. Whilst the bulk of them were due to

a) beatings and tortures, and also due to the victims being ignorant and unsophisticated villagers, there are a certain number of apologies which show that people who joined in the first flush regretted having done so and got out.

b) Hodigeri is a small place where 33 people in a body apologised, not because of any alleged torture, but because of the normal hardships of the over-crowded lock-ups - scanty accommodation, scanty rations and so on. There have been 34 apologies from Mysore jail, not as a result of torture or force used, but because of patient and may be insidious ways of persuasion. And one prominent Vakil has given an undertaking, after release, not to take part in

c) the movement. Much is being made of this by the authorities, but the

748

obvious reason is that he was threatened with a prosecution for criminal misappropriation.

My tour through the State has convinced me that the Congress has acquired a firm hold on the mass mind and in spite of the apologies upon which the authorities seem to pride themselves, there are quite a number of people prepared to go through the fire for any length of time. A number of Vakils from various parts of the country have gone to jail and several people paying heavy land revenue as also substantial merchants are suffering with the common people. Savage sentences - as much as four years given to women and as much as five years under section 124 A - have not deterred them. Heavy fines - over two lakhs of rupees have been imposed as fines - and high-handed methods in the recovery of fines and attachment of goods - two poor Harijan women deposed to being beaten and relieved of silver ornaments worn by them in order to recover a fine of Rs.25 imposed upon a member of the family - have not frightened people.

One noticeable feature which distinguishes the Mysore Satyagraha from many others is that the satyagrahas have been drawn exclusively from the State and that behind prison walls there is no classification among prisoners. All - the most and the least educated, the richest and the poorest, the most highly placed and the most lowly placed socially - suffer the same hardships, eat the same food, and enjoy the same scanty amenities provided to them. I found a well-known leader suffering from influenza lying on an indifferent bed on the floor with two pieces of dry bread lying beside him. There is this thing to be said in favour of the authorities that within the prison walls there have generally speaking been no tortures and no humiliations imposed on them.

As regards the satyagaraha I am convinced that it has been carried on throughout with commendable restraint. A little more care might have been exercised in the selection of people offering satyagraha - especially from villages where there is more need for educational propaganda, and it should have been strictly confined to adults. A number of juveniles who are in prison today ought not to have been there.

31-A

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. 3420-73—C. B. 98-39-1, dated 8th January 1940.

Mr. Justice A. R. Nagesvara Iyer.

Appoints ——, Judge, High Court of Mysore, to enquire into allegations of police excesses on political prisoners.

ORDER No. 3420-73—C. B. 98-39-1, DATED BANGALORE, THE 8TH JANUARY 1940.

Allegations have been made by the members of the Mysore Congress that certain persons accused of offences in connection with the recent political movement were assaulted by Police and other subordinate officers. It has been alleged that they were subjected to torture in order to extort apologies from them. In view of the seriousness of these allegations and the importance of verifying the actual facts, it is considered advisable to hold an independent and impartial enquiry, so that the parties may present their cases in person.

Government are accordingly pleased to direct that Mr. Justice A. R. Nagesvara Iyer, B.A., B.L., Judge, High Court of Mysore, be appointed as the enquiring officer for a period of one month from the date of his assuming charge.

He is requested to submit his report to Government at an early date after making a thorough and exhaustive enquiry. Government trust that he will receive all the help and co-operation needed from the public and the heads of departments in conducting the enquiry.

B. T. KESAVIENGAR,
Chief Secretary to Government.

To—Mr. Justice A. R. Nagesvara Iyer.
The Inspector-General of Police in Mysore.
The other Heads of the Departments.
The Deputy Commissioners of Districts.
The Compiler, *Mysore Gazette*.
PRESS TABLE.

Exd.—C. K.

WD 8160—GPB—535—9-1-40

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. 3420-73—C. B. 98-39-1, dated 8th January 1940.

Mr. Justice A. R. Nagesvara Iyer.

Appoints ——, Judge, High Court of Mysore, to enquire into allegations of police excesses on political prisoners.

ORDER No. 3420-73—C. B. 98-39-1, DATED BANGALORE, THE 8TH JANUARY 1940.

Allegations have been made by the members of the Mysore Congress that certain persons accused of offences in connection with the recent political movement were assaulted by Police and other subordinate officers. It has been alleged that they were subjected to torture in order to extort apologies from them. In view of the seriousness of these allegations and the importance of verifying the actual facts, it is considered advisable to hold an independent and impartial enquiry, so that the parties may present their cases in person.

Government are accordingly pleased to direct that Mr. Justice A. R. Nagesvara Iyer, B.A., B.L., Judge, High Court of Mysore, be appointed as the enquiring officer for a period of one month from the date of his assuming charge.

He is requested to submit his report to Government at an early date after making a thorough and exhaustive enquiry. Government trust that he will receive all the help and co-operation needed from the public and the heads of departments in conducting the enquiry.

B. T. KESAVIENGAR,
Chief Secretary to Government.

To—Mr. Justice A. R. Nagesvara Iyer.
The Inspector-General of Police in Mysore.
The other Heads of the Departments.
The Deputy Commissioners of Districts.
The Compiler, *Mysore Gazette.*
PRESS TABLE.

Exd.—C. K.

WD 3160—GPB—585—9-1-40

56

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. 3420-73—C. B. 98-39-1, dated 8th January 1940.

Mr. Justice A. R. Nagesvara Iyer.

Appoints ——, Judge, High Court of Mysore, to enquire into allegations of police excesses on political prisoners.

ORDER No. 3420-73—C. B. 98-39-1, DATED BANGALORE, THE 8TH JANUARY 1940.

Allegations have been made by the members of the Mysore Congress that certain persons accused of offences in connection with the recent political movement were assaulted by Police and other subordinate officers. It has been alleged that they were subjected to torture in order to extort apologies from them. In view of the seriousness of these allegations and the importance of verifying the actual facts, it is considered advisable to hold an independent and impartial enquiry, so that the parties may present their cases in person.

Government are accordingly pleased to direct that Mr. Justice A. R. Nagesvara Iyer, B.A., B.L., Judge, High Court of Mysore, be appointed as the enquiring officer for a period of one month from the date of his assuming charge.

He is requested to submit his report to Government at an early date after making a thorough and exhaustive enquiry. Government trust that he will receive all the help and co-operation needed from the public and the heads of departments in conducting the enquiry.

B. T. KESAVIENGAR,
Chief Secretary to Government.

To—Mr. Justice A. R. Nagesvara Iyer.
The Inspector-General of Police in Mysore.
The other Heads of the Departments.
The Deputy Commissioners of Districts.
The Compiler, *Mysore Gazette*.
PRESS TABLE.

Exd.—C. K.

WD 8160—GPB—535—9-1-40

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Read:—

ORDER NO.3420-3473/C.B.98-39-1

Dated, Bangalore, the 8th January 1940.

Allegations have been made by the members of the Mysore Congress that certain persons accused of offences in connection with the recent political movement were assaulted by Police and other subordinate officers. It has been alleged that they were subjected to torture in order to extort apologies from them. In view of the seriousness of these allegations and the importance of verifying the actual facts, it is considered advisable to hold an independent and impartial enquiry, so that the parties may present their cases in person.

Government are accordingly pleased to direct that Mr. Justice A.R. Nageswara Iyer, B.A., B.L., Judge, High Court of Mysore, be appointed as the Enquiring Officer for a period of one month from the date of his assuming charge.

He is requested to submit his report to Government at an early date after making a thorough and exhaustive enquiry. Government trust that he will receive all the help and co-operation needed from the public and the Heads of Departments in conducting the enquiry.

Chief Secretary to Government.

To

Mr. Justice A.R. Nageswara Iyer.
The Inspector-General of Police in Mysore.
The Other Heads of Departments.
The Deputy Commissioners of Districts.
The Compiler, Mysore Gazette.
PRESS TABLE.

General and Revenue Secretariat	File No.	of 194 .	[App. F. III-2
	Serial No.		

E.O. No. 34

258

Rajasevaprasaktha
Mr. B. T. KESAVAIENGAR, B.A.,
Chief Secretary to Government.

GENERAL AND REVENUE SECRETARIAT,

Dated Bangalore, ...8th January.....1940.

D.O. No. 3457 CB
Encl

My dear Sir Nagesvara Iyer,

I am desired to enclose copy of Government Order No.3420-3473/C.B.98-39-1 dated 8th January 1940, appointing you as Enquiring Officer to enquire into allegations of police excesses on political prisoners.

Yours Sincerely,
M Visvesvaraya

Mr. Justice A.R. Nagesvara Iyer, B.A.,B.L.,
Judge, High Court of Mysore,
Bangalore.

NOTE—Contn. Sheet.

E.O. No. 23

160

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No: 3563/CS 98-39 General & Revenue Secretariat, Bangalore, dated 12th January 1940.

PRESS COMMUNIQUE.

As allegations were made by the members of the Mysore Congress that certain persons accused of offences in connection with the recent political movement were assaulted and subjected to torture by the Police and other subordinate officers, the Government have appointed Mr. Justice A.R. Nagesvara Iyer, Judge, High Court of Mysore, to enquire into the said allegations of Police excesses. The enquiring officer will hold the enquiry at the following places on the dates noted against them.

Bangalore	(at the Daly Memorial Hall)	commencing from 17th January 1940.
Kolar	(at the Travellers' Bungalow)	commencing from 22nd January 1940.
Shimoga	(do)	commencing from 29th January 1940.
Chitaldrug	(do)	) commencing from 6th February 1940.

Those who have a personal knowledge of the alleged incidents are requested to come forward and give evidence before the enquiring officer.

Complainants and officers complained against may, if they so desire, be represented by Counsel.

If any of the complainants wishes to secure the appearance of witnesses, he may apply to the Law Secretary to Government not later than 17th instant in the case of witnesses to be examined at Bangalore and not later than the 22nd instant in the case of witnesses to be examined at other places.

Secretary to Government,
Law Department.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE DEPARTMENTS.

No. 3563—C. B. 98-39, dated 12th January 1940.

PRESS COMMUNIQUE.

As allegations were made by the members of the Mysore Congress that certain persons accused of offences in connection with the recent political movement were assaulted and subjected to torture by the police and other subordinate officers, the Government have appointed Mr. Justice A. R. Nagesvara Iyer, Judge, High Court of Mysore, to enquire into the said allegations of police excesses. The enquiring officer will hold the enquiry at the following places on the dates noted against them:—

Bangalore	(at the Daly Memorial Hall)	commencing from 17th January 1940.
Kolar	(at the Travellers' Bungalow)	commencing from 22nd January 1940.
Shimoga	(Do)	commencing from 29th January 1940.
Chitaldrug	(Do)	commencing from 6th February 1940.

Those who have a personal knowledge of the alleged incidents are requested to come forward and give evidence before the enquiring officer.

Complainants and officers complained against may, if they so desire, be represented by Counsel.

If any of the complainants wishes to secure the appearance of witnesses, he may apply to the Law Secretary to Government not later than 17th instant in the case of witnesses to be examined at Bangalore and not later than the 22nd instant in the case of witnesses to be examined at other places.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

Exd—C. K.

WD 3187—GPB—720—13-1-40

GOVERNMENT OF HIS HIGHNESS THEMAHARAJA OF MYSORE

GENERAL AND REVENUE SECRETARIAT

No. 3580/C. B. 98-39 Dated, Bangalore, 15th January 1940.

PRESS COMMUNIQUE.

With reference to Press Communique No, 3563/ C.B.98-39 dated 12th January 1940 furnishing particulars about the dates and places of enquiry by Mr. Justice A.R.Nagesvara Iyer, it is hereby notified that the enquiry at Bangalore will be held from 17th January 1940 in the Court Hall of the Revenue Commissioner, New Public Offices, ahd not at the Daly Memorial Hall.

The enquiry will commence each day at 12 noon.

C.SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

Mr. Justice A. R. NAGESVARA IYER.

Bangalore,

Dated, Feb.17, 1940.

Dear Mr Kesava Iyengar

I am herewith sending for your information copies of depositions of two witnesses as I mentioned yesterday. The recording of evidence is now over. A lot of typing work has got to be done and the lists of exhibits and witnesses have also to be typed. I am afraid two persons who are now attending to the typing work will not be able to finish it by Tuesday. I therefore request you to send at least from to-morrow

another Typist so that the work may be speeded up and the Report completed by Tuesday.

Please excuse trouble.

Yours Sincerely
V. Rajagopalan

Rajasevaprasakta
B.T. Kesavaiengar, Esq., B.A.,
Chief Secretary to Government,
Bangalore.

Submitted for perusal.
Action will be taken to give another typist to the Engineering Office.

18/2/40

Dewan / Member

18/2/40

Wit No. 86
Bangalore

~~166~~ 67

14th February 1940.

Gavirangappa, son of Gavappa, aged 50, Naige (weaver), Cubbonpet, Bangalore City, deposes:-

Q.-- What do you say?

A.--I and three others went to Bowringpet four or five months back to offer satyagraha in order to get Swaraj.

Q.--What do you mean by Swaraj?

A.---~~How~~ can I say what ~~satyagraha~~ Swaraj is?

Q.--What was your object in going to Bowringpet to offer satyagraha?

A.---I cannot answer the question. The Congress workers here asked us to go to Bowrinpet or K.G.F. and when asked by the police ~~we said~~ to say that we went there to break ~~the~~ Section 39 and offer satyagraha.

Q.---What do you mean by ~~Swaraj~~ Satyagraha?

A.---I do not know what it means.

Q.---~~How~~ Who are the other three persons who went to offer satyagraha?

A.---They are boys of Bangalore aged 17 ~~or~~ & 19, but I do not know who they are. The Congress workers at Bangalore sent them along with me. ~~XXXX

69
H 68

Rama Rao

little while ago,(that is,(Mr. ~~Puttarangaswamy~~ of K.G.F.) spat on my face and said that we had no business to go there;that we could do nothing; that we should have followed the congress workers. Then 7 or 8 police C.I.D. constables took their sandles and beat all of us. Each got 10 or 12 blows. The police Inspector who was sitting here took his ~~xxkka~~ ruler and gave each of us two blows. That was at about 5 P.M. ~~We were there on New Moon Day.~~ I cannot give the date of the week. This must have happened 5 months ago. I cannot give the name of the month also. We reached Bowringpet at about 3 P.M. After we were beaten as I have mentioned we were put into a room and we were asked if we wanted any food. We said we felt hungry. Then the Police Inspector asked us if we had any money. Some of us had one anna each and some others six pies each. They took the money we had and got us some bread. We ate the bread given to us. The next monning the police Inspector advised us not to take part in these activities; that ~~as~~ we were helpless, that it is only the leaders who ought to indulge in such activities and sent away at 11 A.M. by train to Devanhalli which we reached at 5 P.M. The police constable escorted us. At Devanhalli when we asked for food they simply beat us. They used abusive language to us. It is Inspector Bogappa that did so. Bogappa got us beaten by Police

Constables. We were beaten with sandales. Two of us were made to drink urine. One 'Holeya' brought us urine in a bottle. Both of us were made to drink urine from that bottle. I do not know who that 'holeya is. I do not know the name of the other boy who was also made to drink urine. I had taken some clothes with me and they tore off those clothes. They did not tear the clothes of the other volunteers. The police gave us no food. They then took us to the Devanhalli Police Station and detained us there in the night. The Police Station where we were beaten and made to drink urine is in the town. We were then taken to a station in front of an Anjaneya temple. The police Station in which we were beaten etc. is surrounded by houses. If one ~~bellows~~ bawls out it will be heard by the people in the neighbouring houses. We did not cry out when we were assaulted or forced to drink urine, because we had been advised to be non-violent . We did not ~~bellow~~ bawl out. Not one of us cried out when we were being ill-treated. The door of the Police Station had been closed. They gave us no food the next morning but sent us by bus to Bangalore and we were released at Halsur Gate Police Station. The Sub Inspector at that station advised us not to go outside and after taking mutchalika from us released us. We went to the Congress Office and complained to the President. I do not know who the President is. We made an oral statement. We did not give anything in

73

writing.to the President. Our statement was recorded at the Congress Office by the President. None of us had any injuries nor ~~any~~ contusions. I got fever for a day. I got cold and fever. I took no medicine. This stopped away after a day. I did not go to any Doctor and take any certificate. The other persons who had accompanied me did not make any complaint to the Congress President. I was the only person who complained that I had been beaten. No, only three of us came here. Another person went away somewhere from Devanhalli. I do not know who the other two persons who came to Bangalore are. One of them came to the Congress President and said that he had been assaulted by the police. The other man went away from the Hulsur Gate Police Station and did not come to the Congress office. I made a speech in the tank bed opposite the City Railway Station and said that I had been assaulted and subjected to ill-treatment by the Police at Bowringpet. I made a speech three days after I had been assaulted. I did not know if my speech had been reported in any paper. I made a speech at Mysore later. That was 7 days after Vijayadasami. I had been beaten in this manner at Bowringpet about 25 days before I made that speech at Mysore. Two constables held my hand and two constables my legs, and two constables held my face and poured urine into my mouth. I therefore drank that urine. The other man was also similarly treated. After he had drunk the urine the Sub Inspector said that no one should see my face

as I had drunk urine of 'Madiga' and the Inspector Mr. Bhogappa also said that I had taken the urine of 'Madiga'. We were forced to drink urine at 7 P.M. At Devanhalli they gave us no food. Even the next morning they gave us no food. We four of us had nofood whatsoever for continuously two days. Except to the President of the Congress I made no complaint to anybody that I had been beaten or forced to drink urine. As a result of thebeating ~~to~~ two of us got cold and fever at Bowringpet. The other two did not have any fever. The other man who got fever said that he had prayed to God and was ~~bold~~ able to get rid of the fever. I had fever when I came to Devanhalli and the fever continued when I came to Bangalore. The third day the fever stopped. I took no medicine anywhere. The fever stopped of its own accord. There was no pain on any part of my body as a result of the beating at Bowringpet and Devanhalli. The others also had no paid as a result of the beating I have mentioned. I do not know who the name of the Congress President who recorded my statement. I do not know the names of the cogress workers who sent us to K.G.F. The other man who went away from Devanhalli is not a man of Bangalore. He may be a resident of some village in Devanhalli taluk. I do not know the name of the village. I was not convicted in connection with the dogress activities either at K.G.F. or at Mysore. I have not been convicted ~~for~~ of any such

offence at any time. At Mysore the police advised us that there was no use in taking part in satyagraha that we might do better by working and earning 4 or 5 annas a day and took mutchalika from me and sent me away ~~from~~ to Bangalore. Since then I have not been taking any part in the congress activities. I had been summoned to appear in this enquiry many days ago. I did not appear and give evidence because when I took notice to the Congress office a Lawyer there advised me that I should not ~~ka~~ give evidence unless the congress people gave evidence. I did not therefore appear in response to the notice. Ex.53 (a) is my signature. Today I was attending to my weaving work. A certain man who is appearing as a witness today asked me to come and give evidence and so I have come. It is Ramalingachari that brought me today asking me that I might give evidence that I was beaten and ill-treated by the police. I told him that I was not prepared to give evidence without the permission of the congress. But Ramalingachari told me that did not matter. He asked me to come and give evidence. I ~~did~~ had not mentioned to Ramalingachari till now that I had been assaulted or ill-treated by the police. I had not known Ramalingachari till this morning. Another congress man who has come today took me from my house this morning to Ramalingachari who got me coffee and lunch in a hotel and brought me to give evidence here. Ramalingachari told me that if

I gave evidence ~~as~~ I would be given new clothes as my clothes had been torn and that if I complained that I had sufferred loss on account of unemployment I would be given some compensation. Though I protested that I would not given evidence without the order of the congress I was brought by Ramalingachari by making the representation I have mentioned. I was not prepared to give evidence in the course of this enquiry.without the permission of the congress, but as Ramalingachari told me that I would be given fresh clothes and some compensation and as he got me lunch ~~and~~ I came to give my evidence today. If the congress takes any objection in this connection I shall mention to them that as I was brought by Ramalingachari by the representation I have mentioned already I came to give evidence. No one has come to corroborate the version I have given today. The man who was beaten and forced to drink urine along with me has not come to give evidence today. I cannot give the date on which I was subjected to this treatment by the police. One Police Constable escorted us from Devanhalli to Bangalore. Ex.8 (a) is my signature. We four of us presented this petition to the Superintendent of Police at Bowringpet. The Superintendent of Police to whom the petition was presented is Mr. Puttarangaswamy who was sitting in the court a little while ago. This petition was written and was presented to the D.S.P. at 5-30 P.M. thevery day on which we went

to ~~kkm~~ Bowringpet. We went by bus from Bangalore and reached Bowringpet at about 3-15 P.M. We purchased some eatables in some shop at Bowringpet and were sitting on the pial for about 15 minutes. It might have taken an hour for us to go to the shop, ~~by~~ & buy eatables and eat before going to the pial on which we were sitting when we were taken to the Police Station. It was about 5 P.M. when some of the police constables came to us and took us to the Police Station. Within about half-an-hour after we were taken to the police station we executed this mutchalika. The D.S.P. was at the Police Station at Bowringpet when we were taken there. After we executed mutchalika we were detained in a room. After we executed this mutchalika we were beaten with sandals by the police at Bowringpet. The Supt. of Police Mr. Puttarangaswamy was watching the beating. We did not complain to the D.S.P. that the police were beating us although we had already executed a mutchalika. After we were beaten we were given some bread. We did not refuse to execute a mutchalika to the police. As they threatened us that they would break our limbs if we did not execute a mutchalika we executed Ex.8. It is the Supt. that threatened us in that manner. Although it was at the instance of the Supt that we executed Ex.8 as suggested by him we did not yet complain to ~~whom~~ him that we were being beaten in spite of having obeyed his orders and executed Ex.8. We were put in a room after we were beaten with sandals as

as I have mentioned. We were so beaten in the hall in which the Supt of Police was also ~~xxxxxxxx~~ sitting. The Supt. of Police did not come to the Police Station next morning. It is ~~the~~ Inspector Rama Rao who was sitting in Court today that arranged to send us away from Bowringpet that morning. Before we were sent to the Railway Station the Police Inspector Rama Rao asked us if we wanted any food. Rama Rao may be a Sub Inspector of Police. We told them that we were hungry. When we were in the Police Station before we left for the Railway Station we were given bread. Some bread which we ate before we went to the Railway Station each of us were given a bread costing half anna. We were drinking some water near the Railway Station.

I now say that it is only two other boys with us that ate bread that morning. We were given bread but we refused to eat it.and the other boy who was forced to drink the urine at Devanhalli refused to eat the bread that was given to us on the ground that we were not used to it. The previous night I ate a small quantity of bread because I could not eat more . On account of the paid we had we could not eat any bread before leaving for the station in the next morning. As a result of the beating on the previous night I had ~~xx~~ paid all over my body. The other boy also complained that he could not ~~xxx~~ eat the bread given to him on account of severe paid he had as a result of the beating on the previous night.

Q.--You said before that as a result of beating you had no paid but that you got cold and fever. Now you say on account of paid you could not eat the bread that was given to you. Which is correct?

A.--The next morning also I took small quantity of bread. On account of the paid I could not eat more. As a result of the beating in the evening at Bowringpet I had very severe paid all over my body. The next morning we asked for boiled rice but the police people said that no one had supplied rice and said that if we did not eat bread they would beat us. On account of this threat we ate some bread. I now say that as a result of beating my body was paining all over.

I now say that as a result of beating I got only cold and fever and that I had no paid on any part of my body. It is not because of the paid I had all over my body that I could not eat the bread that was given to me, it is only because I was not used to it I refused to eat it but as the police people threatened me I ate a small quantity of the bread given. At Devanhalli I was not even given bread. Though we asked for food we were not given any food at Devanhalli. As we were hungry if they had given us bread we would have consumed it at Devanhalli but even that was refused to us. We were at Devanhalli between 7-30 P.M. and 9 A.M. the following morning. We were detained in the police Stations. Even the other boy ate a small

quantity of bread because he was not used to it. It is not on account of pain that he was having that he refused to eat bread. Two other boys said that they were not suffering from any pain and ate the bread that was given to them. After the boys ate the bread they were made to beat me on the ground that I had taken them to Bowringpet. Two boys beat me with their fists and they spat on my face. I asked those boys whether it was right ~~that as~~ being satyagrahis they should beat and spit on ~~my~~ me in that manner. They only said that as they had been asked to do so they were bound to beat me and spit on me. On the day on which we executed the mutchalika Ex.8 we were detained at Bowringpet. That night we were detained ~~at~~ in the Police Station there. We left Bowringpet next morning at about 9 O'clock, and the train reached Devanhalli at 7-30 P.M. via Kolar, Chintamani, Chickballapur. That evening we were not sent to Bangalore. The train reached Devanhalli late on that day on account of rains. It is not true that we were despatched to Bangalore, ~~That~~ the ~~ex~~ very evening we reached Devanhalli ~~is not true~~. The police constable who escorted us told us that he was Banajiga. I do not know the name of that constable and we did not ask him what his name was. Now I remember the man who escorted us from Bowringpet to Devanhalli is a Banajiga and the police constable who escorted us from Devanhalli

to Bworingpet is a Mahratta. His name may be Narsoji-Rao. He left us near the Halsur Gate Police Station and went away. It is not true that the bus reached Halsur Gate Police Station at 7 P.M. that day.

I hear Ex. 8 read out. We did not state as mentioned therein that we were sent to Bworingpet saying that we would be given food after arrest, that we were not prepared to go to Gold Fields, and that we might be sent back. It is not true as mentioned in Ex.8, ~~It is not true~~ that we reached Kolar at 1 P.M. and that therefrom we travelled by train to Bowringpet. We went from here direct to Bworingpet by bus. It is true as as stated in Ex.8 that Siddappa and others got us our meals at the congress office the previous night and that Siddappa gave each of us a Kaddar cap and bought a ticke for us to travel from here by bus. It is false that Siddappa gave As.9 to us ~~when we~~ before going to Bowringpet. He may have paid the other persons some money. I ~~do~~ had only 5 pies with me when I left Bangalore and that was the only ~~money~~ amount I had. They told us, the congress office would feed us at Bworingpet. For 7 or 8 months before I went to Bowringpet to offer satyagraha I was unemployed. It was very hard for me to maintain myself and even now I find it difficult to maintain myself, As I am even now unemployed. Siddappa told me and the others that ~~I~~ we need not feel any difficulty for food as the congress office at Bow-

~~ringpet~~

91

Bworingpet would feed me if I went there in connection with the congress activities. Siddappa told me and my companions that if we were arrested we would be fed by the Jail authorities and that if we were not arrested the congress office would feed us and it is because of this assurance that I went to Bowringpet as satyagrahi. We told the Police at Bowringpet that we came out of ignorance and that we would nolonger take any part in the congress activities. We also told them that we would have obeyed them if they had advised us in this manner before beating us. When the Police asked us we told them that we were exposed to much hardship on account of unemployment; that we would not take any part in congress agitation and that we would work there if they were pleased to give us jobs. They said they had no job to offer. They did not beat ~~there~~ us before we executed Ex.8. It is only afterwards that they beat us. Before we executed Ex.8 we were not threatened if we did not execute a mutchalika ~~like this~~ like that we would be beaten or ill-treated. I hear Ex 61 read out and translated. I made a speech on these lines at Mysore. There is a mistake in the beginning of my speech. I went to Bowringpet and was arrested there. I did not go to Kg.F & was not arrested there. The report of my speech is in other respects correct.

(W) Gurusamyappa.
14.2.40.

Witness No. 87

Bangalore

93

14th Feby. 40.

Name of the Witness: N. Srikantiah, Son of Nanjappa.

Age. 25 years.

Native of Narayana Setty Pettah, Bangalore City.

Exhibit No. 59.

The statement which I now present is mine. Ramalingachari wrote it to my dictation.

Q. When did you go to Gold Mines Fields to offer Satyagraha ?

A. I cannot give you the date.

At Bowringpet Railway Station we went to the booking office to buy tickets to go to Kolar Gold Field. We were five in number. Some C.I.D. people at the railway station made signs to the booking clerk not to issue tickets to us. The booking clerk returned the rupees which we had given on the ground that it was not a good coin. As we were hungry, we went into the town to buy some eatables and wanted to travel by the evening train.to Kolar Gold Field. On our way to the hotel, we were arrested by the police and taken to the police station at 11 a.m., and we were detained there till 5 p.m. We were then taken to K.G.F. Four or five of the C.I.D. people surrounded each of us one after another and beat us with their fists and kicked us with their boots. This process continued for about an hour. Each of the others might have received 10 or 12 blows or kicks. I might have received 10 or 15 kicks with boots and I cannot mention how many blows with fists I had. I was very severely fisted for a fairly long time. I had swellings in my back in the right side and on the right thigh.

Both my right and left cheeks had severe swelling. We were given no food there. There was severe pain all over my body. By 5.30 p.m., train we were taken to Kolar Gold Field and there the police asked me to execute an apology. I refused to do so and told them that they might to as they liked. They kicked me as a result of which I fell against the well and afterwards they took me out and took my finger print on some paper. I do not know whether anything had been written on the paper to which my finger print was taken. My companions told me that they were also asked to affix their signatures to the book and they did so. I also affixed my signature to a book. Rice, dhall water, curds, etc., were given to us. They got us this meal from a hotel. We were given a feel meal. On account of severe pain, I could not eat well.

When I was asked my father's name here, I gave it out as Venkatappa. Police Inspector Mr. Rama Rao on referring to the register mentioned in answer to the question put by you (Enquiry Officer) mentioned that one Srikantiah, son of Nanjappa had been arrested at Kolar Gold Field On hearing that, I said that my father was also known as Venkatappa.

I was then in the Congress Office which was at Balepet. The Congress Office has now been shifted to Narayanasetti Pet. / When I appeared here on the 10th instant, I mentioned to the clerk in charge that I was N. Srikantiah son of Nanjappa. I do weaving. Since one year, I am unemployed, and find it difficult to maintain myself. If I work for a day, I get six to eight

K36-97

annas. But I get work only once in three or four days. A few months back my father was all right and he was finding some work and in that manner he was maintaining himself and his family. As I could find my living and also serve the country, I joined the Congress.

Q. What is Swarajya ?

A. I do not know what it is.

By Desa Seva I mean fighting for responsible Government. By Satyagraha I mean acting with satya, i.e., acting truthfully. My object in going to K.G.F. was to offer satyagraha. If the police had not arrested us, what we would have done is to move about crying "Jai" and making speeches. This is what I mean by Satyagraha.

Exhibit No. 60. I did not execute this mutchalika. I cannot say whether the finger mark which purports to be that of Srikantiah is mine.

We were arrested at Bowringpet and then taken to Kolar Gold Field. My finger print was taken to a register at about 9 p.m. The finger print was not taken to a sheet of paper such as Exhibit No. 60. The signature or finger prints of my companions were taken to the same register. Something had been written in the register above the portion where we put our finger print. We did not ask the Police as to what had been written in that register.

That night, we were detained in the police station at K.G.F. We were taken back by a train which leaves K.G.F. at 2 p.m., and left at Whitefield at about 5 p.m. We were given good meal at 12 noon. All the five of us were left at

Whitefiled. We went walking slowly to Budigere which is about 8 miles from Whitefield. We stayed there for four or five days and then I returned to Bangalore and joined the Congress Office. My four companions stated away at Budigere. They were residents of that place. They have not come as witnesses today. I was not served with a notice calling on me to come and give evidence ~~before~~ in this enquiry. Ramalingachari told me four or five days back that if I gave evidence it would do good. So I came here to give evidence. Ramalingachari told me that if I did not appear and give evidence in this enquiry, I would be arrested and taken to jail, and that for the recovery of the fine that has been imposed on me, some attachment may be effected in future. He told me that if I now gave evidence, that would be sent to Mahatmaji, and that it would do good and it is for this reason that I have voluntarily come and given evidence today. He did not tell me that If I gave evidence the fine that is imposed on me would be executed.

witness now says that this portion may be omitted. He admits he made this St. but states that Ramalingachari wants them to be deleted.

(Sd) A.R.N.
14.2.40

I was convicted for offering satyagraha in connection with the Hamilton Building at Mysore.

In the morning at Kolar Gold Field, we got some lunch from a hotel. I paid for it as I had some money with me which I had brought for purchasing tickets to Kolar Gold Field.

At Kolar Gold Field also I was given two or three blows by a detective. I do not know his name. We had been detained in a room in Kolar Gold Field.. All the five of us had been put into the same room. The room in which we were put

was in a building which is occupied by visitors to Kolar Gold Field. It looked like a small bungalow.

I had seen Mr. Rama Rao, Police Inspector, at Bowringpet. He kicked me with his boot on my back twice and afterwards I told him that on account of severe beating I had pain all over my body, showed him my back and told him that he might do whatever he liked. Then he ceased kicking me and told me that I should not indulge in such activities.

I made no complaint to any body in this connection. I did not see the Superintendet of Police either at Kolar Gold Field or at Bowringpet. In Kranti, a paper edited by the Congress, they had mentioned that I was subjected to this kind of treatment by police. Within five or six days after we were beaten, this was published in the said paper. I have not got a copy of the paper in which this had been published. I made no speeches either at Mysore or Bangalore.

I was sentenced to rigorous imprisonment and I have served out my sentence. After serving out my period I came back to Bangalore five or six months ago. ~~After I served out that sentence~~, I then went to Kolar Gold Field where I was ill-treated by the police. I cannot give the names of persons who kicked and beat me at Kolar Gold Field, and at Bowringpet. There are bungalows round the police station at Bowringpet. We did not cry out that we should not be beaten. Nor did we protest. We mildly

and courteously asked them why they were beating us.

At Kolar Gold Field, there are houses behind the police station in which we had been detained and in front of the police station, there are the railway buildings. We did not shout or make noice in order to attract the attention of the people round about.

I am not earning anything now and I am unable to find any work. I am not going to the Congress office now.

I did not know before the volunteers who went with me to Kolar Gold Field. They came to the Bangalore Congress Office two or three days before we started to Bowringpet and it was then that I came to know them. My companions seem to possess some property at Budigere.

If I am paid and if I am so ordered, I am prepared to bring these people to give evidence in this enquiry.

A police constable escorted us from Kolar Gold Field to Whitefield.

—

Mr. Justice A. R. NAGESVARA IYER.

Bangalore,
February 24, 1940.

Dear Mr. Kesaviengar,

With reference to Government Order No. 3420-73/C.B.98-39-1 dated 8th January 1940, I enclose herewith my Report for submission to the Government.

The staff (Mr. B.B. Shankar Rao, II Dn. Clerk, Mr. H.K. Rama Murthy, Steno-typist, Mr. C. Sreenivasa Rao, Reporter, and Mr. T.Nagaraja Rao, Steno-typist,) have discharged their duties very well. Regarding the typing work I must particularly refer to Mr. C. Sreenivasa-Rao and Mr. H.K. Rama Murthy who have worked very hard and very willingly. But for their

P.T.O.

106

very hard work the Report may not have been ready by now.

My thanks are due to all of them.

Yours Sincerely
M. Nagesvara Iyer

Rajasevaprasakta
B.T. Kesavaiengar, Esq., B.A.,
Chief Secretary to Government,
Bangalore.

1-08

REPORT OF ENQUIRY

Re: Allegations of Police Excesses on political prisoners.

---:0:---

TABLE OF CONTENTS

		Pages
I	Introduction.	1 to 11
II	Bangalore District.	12 -- 34
III	Shimoga District.	35 -- 49
IV	Chitaldrug District.	50 -- 84
V	Kolar District.	85 -- 91
VI	Food and Accommodation.	92 --112
VII	Apologies.	113 --127
VIII	Conclusion.	128 --129

Appendices.

(a)	List of Witnesses.	130 --138
(b)	List of Exhibits.	138 --146.

I

INTRODUCTION.

In the beginning of September 1939, in certain parts of the State, the District Congress Committees concerned started what are called 'satyagraha activities' which, in the succeeding month, assumed serious proportions. In certain areas the satyagraha volunteers or 'satyagrahis', as they may conveniently be styled, started with the picketing of liquor shops, while in others they started what is called 'forest satyagraha' which consisted in sending 'satyagrahis' to forests or date groves with the object of cutting date or bagini trees from which toddy is drawn. The evidence shows that in some cases even sandal trees were cut, a clear indication that the only object was to cause damage or loss to the Government. In Kolar Gold Fields it was apprehended that the picketing of liquor shops was likely to lead to a breach of the peace and an order was therefore issued by the District Magistrate of Kolar prohibiting such activities and forbidding satyagrahis from entering such areas and the satyagraha activities in that place thereafter consisted in disobeying those orders.

The Satyagrahis

(2

The satyagrahis who took active part in these activities were being taken to police custody and the authorities were letting off such of them as apologised, producing the rest before Magisterial Courts to take their trial. ~~On conviction they were being kept in jails.~~ It appears that complaints were made that some of these satyagrahis ~~while in custody~~ were assaulted by the police and other subordinate officers, and were subjected to torture in order to extract apologies from them. The Government thereupon directed, in their Order G.O.No. 3420-73--C. B. 98-39-1, dated the 8th January 1940, an enquiry into these complaints and in that order, observed:,

> "In view of the seriousness of these allegations and the importance of verifying the actual facts, it is considered advisable to hold an independent and impartial enquiry so that the parties may present their cases in person."

The enquiry as has been stated in the Government Communique No. 3563--C.B.98-39, dated 12th January 1940, was meant to be a departmental enquiry.

In effect the points on which my findings are asked are:, whether the allegations that certain persons accused of offences in connection with the recent political movement were assaulted by police and other subordinate officers, are true, and whether ~~they~~ those persons were subjected to torture in order

order to extort apologies from them.

I was appointed "Enquiring Officer" and I was asked to submit my report after a "thorough and exhaustive enquiry." In a Press Communique issued on the 12th January, Government announced the centres where the sittings would be held as also the dates of sittings in the various centres.

The Government further requested those who had personal knowledge of the alleged incidents to come forward and give evidence before the Enquiring Officer and also provided that "complainants and officers complained against may if they desire be represented by counsel." The Government further (also) offered help to the complainants on to secure attendance of witnesses if due notice of their requirements was given to them. Notices were also issued to such of the persons as who, according to the information the Government possessed, had attributed misdemeanour to the police and other subordinate officers, as also to those who were ascertained to have personal knowledge as regards such misdemeanours alleged, requesting them to appear before me. It is thus clear that all the necessary facilities were given to the public to adduce evidence before me with regard to the complaints of torture or ill-treatment made by or on behalf of

~~some~~

the satyagraha prisoners. It may also be mentioned that after the Government Order directing an enquiry was issued, the officiating General Secretary of the Mysore Congress, in his letter dated January 9, 1940, applied to the Chief Secretary to the Government for a copy of the Press Communique and his request was promptly complied with. The Mysore Congress was thus fully aware of the enquiry and had full opportunity of presenting their case before me.

The enquiry began at Bangalore on the 17th January 1940 and I held sittings at Kolar, Kolar Gold Fields, Shimoga and also at Chitaldrug. The examination of witnesses concluded on the 16th February 1940. The total number of sittings was 25. Ninety witnesses have been examined and 76 exhibits filed. Of the witnesses examined, 37 are officials and 53 non-officials. Out of the non-official witnesses 31 had taken active part in the satyagraha activities during the period relevant to this enquiry. Out of them, 14 persons who have been undergoing their sentence for offences connected with the satyagraha activities refused to give evidence in this enquiry. Seventeen satyagrahis some of whom are even now in jail have however given evidence. Two of the remaining non-officials

non-official witnesses are members of the Congress being also members of a Taluk Congress Working Committee. A large number of Congress Satyagrahis have thus given material evidence with regard to the matters covered by this enquiry.

Some of the satyagrahis, who have charged the police and other subordinate officers of the Government ~~of~~ with misdemeanour, have failed to appear before me and establish those charges. When notices for their appearance were sent to them, some endorsed on the notices that they were not willing to give evidence, while some others refused even to receive them. As regards those in Jail, I recorded their statements in the several jails in which they had been incarcerated, and while some of them were fair enough to give evidence, the others refused to do so stating that they were not prepared or willing to make any statement in support of the charges they had made against the officers of Government. Their statements will be referred to in detail later on. It may however be observed in passing that the attitude these persons have assumed seems to me to be very unfair and very unreasonable. They have made accusations of a very serious nature of ill-treatment and torture, ~~by the police and other~~

~~subordinate officers~~. Those allegations are now challenged and when called upon to establish them they either fail to appear, or lightly say they are unwilling to give their evidence on the ground that the Mysore Congress has not 'ordered' them to do so. It is not pretended that they made those accusations as directed by the Congress. Why is then a mandate from the Congress necessary to support their allegations which are of a highly defamatory nature? These are simple cases of excesses alleged to have been committed by certain Officers on some volunteers while in custody. The activities the volunteers may have indulged in, might have been in pursuance of a programme chalked out by the Congress. If in pursuance of such a programme they committed offences punishable by law and were ~~taken to custody and~~ put on trial for those offences, their refusal to defend themselves may be unobjectionable. A satyagrahi must be prepared without resistance to take the consequence of his act and when put on his trial for what he does in pursuance of the Congress programme, if he refuses to defend himself and submits to any punishment that

that may be imposed on him, that may be quite consistent with true principles of satyagraha. But if he once takes it into his head to come to the open and make accusations of ill-treatment and torture against others and that not in their presence, he owes it as a duty to himself as well as to the accused persons, to prove, when challenged, the charges so made. It is not pretended that the tortures and assault, if any, were committed by the officials concerned in pursuance of a policy enunciated by the Government. It is difficult to see what high principles of policy are involved in such a simple matter. If such charges are made out against any particular officer ~~are made out~~ there is no doubt that the Government would be only too anxious to punish ~~them~~ him adequately in the interests of the purity of the administration. Some of the persons who have refused to make their statements have made serious charges which are very damaging to the reputation and prospects of some of the Government officials. When the charges made are thus challenged the complainants were bound in all fairness to establish those charges. If for any reason, sound or unsound, having full opportunity of establishing their charges, they were unwilling or unprepared to establish those charges it is but right that they should ~~be~~ as gentlemen withdraw those

those allegations on the ground that they are not prepared or willing to prove them. In the course of the enquiry when a few shrewd and intelligent persons appeared before me and stated that they were not prepared or willing to give their statements without a mandate to that effect from the Congress, I asked them whether it would be fair or just to assume that attitude having made very serious and heinous allegations behind the back of the persons concerned. One of them fumbled and hesitated to give an answer and when repeatedly questioned he said he would not answer even that question without a mandate from the Congress. That was in effect the attitude taken by the other prisoners who were questioned in that manner. Is a mandate from the Congress necessary to answer such a simple question ? That only shows that they found that the attitude they had taken up was by no means justifiable and Therefore avoided giving an answer by prevaricating in that manner. The position therefore is that without attempting to establish the charges they made, they have allowed ~~those allegations~~ These charges to stand. Their conduct ~~It~~, is inconsistent with true principles of satyagraha, as I understand them, which consist in choosing to

endure

endure suffering which one's enemies may inflict and doing no intentional injury in thought, word and deed to his adversary. A true satyagrahi must try to win his cause only by the over-powering force of love and suffering. But this is by the way. However, in my opinion, their attitude only exhibits a callous disregard for the feelings of others and a failure on their part to realise their duties and responsibilities in such serious matters.

During the course of the enquiry, certain persons from the Chikmagalur District Lock-up applied to the Law Secretary to Government that they might be given an opportunity to give their evidence before the Enquiring Officer. Though those applications were not made ~~before~~ within the time fixed ~~appointed~~, most of the applicants were granted the relief they wanted. In order to avoid delay, they were formally transferred to the Central Jail, Bangalore, to enable them to give their evidence. But how did they conduct themselves thereafter ? I went to the Central Jail to record their statements and the persons who had been so transferred said that they were not willing to give their evidence

to have turned round and adopted this attitude after they had been transferred formally to Bangalore seems to me to be childish.

With these remarks which are of a general nature I propose to discuss the evidence in detail. Cases of assault or torture are alleged to have happened only in four Districts in the State, viz, Bangalore, Shimoga, Chitaldrug and Kolar, and I shall consider the ~~xxxxxxxxx~~ cases relating to each District separately.

II.

BANGALORE DISTRICT.

Two incidents of a very serious nature are alleged to have taken place in Bangalore District: (i) that Kenga, Convict No.6243, was brutally assaulted in the Central Jail by Warder Munivenkatappa on the 8th of December last; and (ii) that two batches of political prisoners who were sent on to Devanahalli from the Kolar Gold Fields to be despatched to their respective (villages or towns/places) were beaten and tortured by the police at Devanahalli and that some of them were also forced to drink urine. These tortures are alleged to have been committed on the 13th and the 14th of October 1939. I shall take up the case of Kenga first.

Having been convicted of an offence committed in connection with the Congress satyagraha activities, Kenga is now serving out his sentence in the Central Jail, Bangalore. His complaint was that on December 8, 1939, he and three of his co-convicts were beaten by one Munivenkatappa, a Jail Warder, with the object of extracting apologies from them, and that the beating was so severe that he was rendered unconscious. Kenga was examined by me in the Jail and when asked whether he was assaulted or beaten in the Jail, he said "I will not answer that question now. If the Congress President permits me to give my evidence, I shall do so. I am afraid of giving evidence now. I may be assaulted in the Jail. I do not know who bears grudge against me, but I am feeling that some one who bears a grudge against me might assault me if I give evidence." He was then asked whether he was prepared

to give his evidence if the Superintendent of the Jail gave him an assurance that he would make necessary arrangements to protect him from any such danger. The Superintendent, in my presence, also assured Kenga that he would give him every protection against any such danger. Kenga answered "I do not care for his assurance. It is only if the Congress President asks me to give evidence that I shall do so". And while admitting the correctness of the statement as recorded when read over and translated to him, he refused to affix his signature to the statement. The main reason he put forward for not giving his evidence ~~is~~ was that if he did so, he feared he might be assaulted in the jail by persons who might bear grudge against him, although he was unable to say who they are. When he was given an assurance by the Superintendent of the Jail that he would be given protection against any such danger, he said that he did not care for that assurance, but that he would give his evidence only if the Congress President authorised him to do so. He said that he was only 18 years of age and admitted that he joined the Congress five years previously; that he never attended any school either before or after he became a member of the Congress and that he does not know how to read and write. He looked very intelligent and said that he used to move about the villages with other Congress workers making speeches. The way in which he found

excuses

excuses for not giving his evidence shows that he is very disingenuous and a person who is not very truthful. He has not made any statement now supporting his previous allegations that he was assaulted in the jail.

Witness No:88

Munivenkatappa, Warder, Central Jail, Bangalore, who is alleged to have assaulted Kenga, has given evidence that one convict-warder Abdul Rahiman told him that some political prisoners were willing to apologise and wanted him; he accordingly went there and found Kenga and three others who expressed a desire to apologise and wanted to be taken out as otherwise the other satyagraha prisoners there would give him trouble; he accordingly brought them outside the wicket gate and left them there in order to bring the convict register for the purpose of writing down the apology forms; and that before he returned from the office, there was a lot of noise and confusion and that the Jailor brought those four persons inside the Jail through the wicket-gate and that Kenga went on saying that he had been assaulted and beaten. It appears this warder Munivenkatappa who brought Kenga and others out of their barracks was absent only for ten minutes when he went to bring the register from the office, and he has also stated that at that time the other political prisoners rushed towards the gate and

began

began to assault the Jail Warders. He has stated that he did not assault or beat Kenga or any of his comrades. As he stated that Basaviah was in charge of these four persons during his brief absence, I also examined him and he is Witness No.21. He has stated that these persons were not assaulted when they were in his custody.

Mr.Abdulla Hussein Sheriff, Witness No.9, Superintendent, Central Jail, has given evidence that at about 11-40 A.M. on the 8th December 1939, Warder Munivenkatappa told him that four prisoners were willing to apologise; as it was late, he went to his quarters with the object of coming back in the afternoon to attend to this work; that in the meanwhile at about 12 o'clock he got information that there was some trouble in the Jail and that from his quarters he also heard some cries of "Jai" and went at once to the Jail where he found Kenga lying down surrounded by satyagraha prisoners. He has added that he examined Kenga's body and found no marks of violence. He however took the precaution of getting an ambulance car and sending him at once to the Victoria Hospital. It appears he held an enquiry immediately and examined about 20 witnesses of whom 15 were convicts and came to the conclusion that Kenga had not been assaulted at all. He has also given evidence that one of the satyagraha prisoners, Narayanappa, broke a bar of a palisade and assaulted some of the warders; that on enquiry he found him guilty and subjected him to what is called staple punishment which consists in his

were no signs of violence either external or internal on the patient which were confirmed subsequently by radiological examination.

The motive suggested for the alleged assault is that the Jail authorities were anxious to extract apologies from these satyagraha prisoners. The evidence of the Superintendent of the Central Jail shows that since October 1939, 139 of such prisoners have tendered apologies and have been released; and that out of them as many as 54 tendered apologies after the 8th of December, i.e., after the alleged assault on Kenga and his companions. It is not pretended that force or violence was used to any of these prisoners and no such complaint has been made before me. When apologies were pouring in so fast, why try to extort them by force and what motive could a jail warder have for doing so ? There is no suggestion that he had been directed to do so by the jail authorities. The motive suggested seems to be therefore far fetched.

Further, it is stated that Kenga and his three companions were taken out of the wicket gate and there assaulted. That place is to the north of the wicket gate and is separated from the verandah adjoining it by iron bars. The verandah itself is open and is visible from the main road. The place where the assault is said to have been committed is also visible from that road. Would a Jail Warder assault them

in

of which Gavirangappa seems to be the leader was arrested at Bowringpet and sent on the next morning to Devanhalli which place they reached that evening; one of them went away to some village in Devanhalli Taluk of which he was a resident and the other three came eventually to Bangalore. Of this batch, it is only Gavirangappa that has appeared and given evidence. He was personally served with a notice for his appearance on 17th January 1940. He absented himself that day. However, on the 14th of February, unasked he came and gave ~~his~~ evidence that he and his companions were beaten and insulted mercilessly by the police at Bowringpet on the 12th of October; that they were sent to Devanhalli the next day where they were severely beaten; ~~and~~ that he and another were forced to drink urine of an Adikarnataka and that he was sent on to Bangalore on the morning of the 14th. It may be mentioned that no witness has corroborated his story. According to his evidence, all the four persons of his batch were beaten and booted at Bowringpet, and two of them were beaten and made to drink urine at Devanhalli. Who the other man is, Gavirangappa is unable to say. The three persons who, according to him, accompanied him were between 17 and 19 years of age -- young people with perhaps no sort of responsibility. This Gavirangappa says that on reaching Bangalore on the 14th, he went to the Congress office direct and made a complaint to the President who recorded his statement, and that one of his companions who came to Bangalore also made

a

"Bangalore Siddappa, who is a weaver and who is a Congress agent persuaded us and fed us in the Congress office last night. We slept there and this morning he gave each of us a khaddar cap, asked us to go to Kolar Gold Fields; seated us in the bus and gave us nine annas. We reached Kolar today at 1 P.M., and from there we came here by bus. We do not know where to go. As we could get no food, we came away from Bangalore as asked by Siddappa. We are not willing to go to Kolar Gold Fields. We came through the persuasions of the Congress. We will not hereafter join such agitation. If we do, we will abide by the punishment which may be given by the Government. When we left Bangalore, Siddappa told us that we would be arrested at Bowringpet or Kolar Gold Fields and would be given food. We came here as hopes were held out that we would have our food here. We pray that we may be sent back to our place."

This explains under what circumstances Gavirangappa and his party happened to come to Bowringpet.

It may also be observed that Gavirangappa's companions who are parties to this document have not stated that the statements in it are false or that it was taken by force. I am prepared to ignore the minor contradictions between the statements in this document and his oral testimony before me. But what is significant is that, if, as admitted by Gavirangappa, this was executed as desired by the police soon after they were taken to the police station and if they were so readily amenable to the advice of the police, why should the police assault them mercilessly in the manner alleged and that in the presence of the Special Superintendent of Police? If they had failed to abide by the advice of the police and had refused to execute a mutchalika as desired by them, it might have been suggested with some force that they were ~~xxxxx~~ subjected to this treatment in order to

extract a mutchalika like Exhibit 8 from them. But that was not so. It is also unthinkable that the Special Superintendent of Police who is an educated man and who is holding a high and responsible position would have allowed such things to go on in the very hall in which he was sitting.

In the course of his evidence, in one place Gavirangappa has stated that as a result of the beating he got fever and cold which lasted for a day and that he had no pain or swelling or contusions on his body. If he was fisted and beaten with sandals by a number of constables, it is really very surprising that he had no pain or contusions. However, when he realised the absurdity of that position at a later stage, he varied his answer and stated that he had severe pain all over his body and that as a result of it, he could not eat the bread that was offered to him either that night or on the following morning. At one stage, he said that his companions who were also belaboured in that manner by the police had no pain, but that he contradicted later and said that one of his companions could not also eat bread because he had severe pain all over his body. Mr.M.P.Rama Rao, Inspector of Police, who was examined in the case has stated that it is a false that he ill-treated any of these people in the manner suggested. Mr. Puttarangaswamy's evidence which

which seems to me to be entitled to much weight corroborates Mr. Rama Rao. He has stated that these volunteers executed /the/ mutchalika, Exhibit 8, when told that if they were not prepared to get back they would be arrested and that they were not beaten or ill-treated as stated by Gaviran-gappa. As I have stated, if the mutchalika was readily executed as desired by the police, it is altogether unlikely that they would have beaten and assaulted these people in the police station. The police gained nothing further by subjecting them to that treatment. The police had only to send them by the next available bus or train. The contradictory statements made by this witness shows that his present statment is altogether false. One other document which seems to be of importance in this connection is Exhibit 61, a report of a speech made by Gaviran-gappa at Mysore on 12th November 1939. When he was confronted with that speech, while admitting that he made a speech on those lines, he said there was a mistake in the first portion of the speech where he had stated that he went to the Kolar Gold Fields to offer satyagraha and was arrested there. His case before me has been that he was arrested at Bowringpet; that he did not proceed to the Kolar Gold Fields at all and that he was beaten and assaulted at Bowringpet and not at the Kolar Gold Fields, but in the speech he made at Mysore he has stated that he was arrested and subjected to torture at the Kolar Gold Fields. He did not then state that he was subjected to that treatment at Bowringpet. Could this have been a

Next Para.

mistake

mistake committed by the Reporter ? The various details as reported in Exhibit 60 are admitted to be ~~all~~ correct in every respect. Since he realised that it could - easily be proved that he did not proceed to the Kolar Gold Fields, but retraced his steps from Borwingpet, he seems to have changed his version and has tried to make out that he was subjected to ill-treatment at Bowringpet and not at Kolar Gold Fields. There is no reason to think that in the report of his speech "Kolar Gold Fields" was mentioned instead of "Bowringpet" by mistake. In his evidence he has gone the length of saying that even two of the volunteers who went with him fisted him and spat on his face at the instance of the police. Could these volunteers have treated their leader in that manner particularly when, according to Gavirangappa, they themselves had been beaten severely by the police ? All of them came together to Devanhalli and three of them from there to Bangalore. There are other statements in his evidence which show that his present story is false and I shall refer to them after discussing the evidence connected with the atrocities said to have been committed at Devanhalli. At one stage of his evidence, he said he was given no food either at Bowringpet or at Devanhalli; that he fasted continuously for two days. (That) This, he contradicted later, and said that on the night on which he was taken to the police station at Bowringpet, he was given some bread and some bread also the next morning and that he was able to eat only a portion of what was given

to

to him on both occasions on account of the severe pain he had. He again contradicted that and said that he could eat only a little portion of the bread given to him as he was not used to it. He admits that he left Borwingpet at about 9 a.m., on the morning of the 13th and that he was brought to Devanhalli at about 7 p.m., that on account of rains that day, the train reached Devanhalli very late; that he was there taken to the police station where he was assaulted and forced to drink urine which was brought in a bottle by a Madiga. It appears another volunteer of his batch was also subjected to the same treatment and not the other two. Now what is the evidence on this point ? None of his companions has come to corroborate his story. As I have mentioned, there were no political activities at Devanhalli. These people were sent to Devanhalli only to be sent on to their destinations, escorted by a police constable from Devanhalli. What motive could the Devanhalli police have had to subject them to such indignities ? The place where these people seem to have been subjected to such treatment is said to be in the middle of the town surrounded by houses. If they had protested loudly, their protestations would have brought the residents of the surrounding houses to the scene and the police would not have proceeded to commit such atrocities in the presence of so many of the townspeople. Gavirangappa has said that as they were taught to be non-violent, none of them bawled out or made any protest. The story is to the effect that two constables held his

hands; two his legs and two his face and urine was poured into his mouth and the process was adopted with regard to his companion. That no complaints were made to anybody until he disclosed them in his speech at Mysore nearly a month after the alleged incident throws a great deal of doubt on his story.

According to the evidence of Mr. Bhogappa, Witness No: 1, the train from Bowringpet reached Devanhalli in the evening and Exhibit 62, the Station House Diary for 13th October, shows that Gavirangappa and others were despatched to Bangalore that evening escorted by Narasoji Rao, Police Constable No. 288. This diary was secured at my instance from the office of the District Superintendent of Police on the 14th of February. It is seen that this document reached the office of the D.S.P. on the 15th October having been despatched from Devanhalli on the 14th. Was a false statement recorded in this document so early as the 14th of October ? Again, Exhibit 40, the Station House Diary for the 14th of October which was despatched from Devanhalli on the 15th and received at the office of the D.S.P. on the 16th shows that Narasoji Rao, Police Constable 288, did patrol duty at Devanhalli both in the morning and the night of the 14th October. If that entry is correct, Narasoji Rao must have been at Devanhalli on the 14th morning. Gavirangappa himself admits that Narasoji Rao escorted him and his companions from Devanhalli on the morning of the 14th

of the 14th by a bus which left Devanhalli at 9 o'clock. Even if he had taken the earliest bus available for his return journey, he could not have been present at Devanhalli before that afternoon. Gavirangappa's uncorroborated story which is full of contradictions and improbabilities cannot be believed as against the entries in these two documents which were sent on to the D.S.P's office without any delay. Even as regards the time his batch reached Devanhalli, there is a contradiction in Gavirangappa's evidence. At one place, in the course of the evidence, Gavirangappa has said he and his companions reached Devanhalli at 5 p.m. Later he contradicted that and said that on account of rains, the train reached Devanhalli at 7.30 p.m., and that he had fever when he reached Devanhalli and even when he reached Bangalore, and that the fever stopped after three days, contradicting what he said earlier that the fever stopped after a day.

There is one other interesting matter which might now be mentioned. As I have already observed, when Gavirangappa was asked to appear and give evidence, he stayed away and said that he stayed away because he was advised to do so by the Congress office and his reason for appearing later before me and giving evidence, put in his own words, is as follows:--

"I had been summoned to appear in this enquiry many days ago. I did not appear and give evidence because when I took the notice to the Congress Office, a lawyer there advised me that I should not give evidence unless the Congress people gave evidence. I did not therefore appear in response to the notice. Today I

was attending to my weaving work. A certain man who is appearing as a witness today asked me to come and give evidence and so I have come. It is Ramalingachari that brought me today asking me that I might give evidence that I was beaten and ill-treated by the police. I told him that I was not prepared to give evidence without the permission of the Congress. But Ramalingachari told me that that did not matter. He asked me to come and give evidence. I had not mentioned to Ramalingachari till this morning. Another Congressman who has come today took me from my house this morning to Ramalingachari who got me coffee and lunch in a hotel and brought me to give evidence here. Ramalingachari told me that if I gave evidence, I would be given new clothes as my clothes had been torn and that if I complained that I had suffered loss on account of unemployment, I would be given some compensation..... I was not prepared to give evidence in the course of this enquiry without the permission of the Congress, but as Ramalingachari told me that I would be given fresh clothes and some compensation and as he got me lunch, I came to give my evidence today....."

not that I had been assaulted or ill-treated by the Police. I had not known Ramalingachari till

After he gave his evidence, he appealed to me to give him some compensation and pay him batta. How then did this Ramalingachari to whom Gavirangappa had not mentioned that he had been subjected to ill-treatment come to know that he was in possession of valuable evidence which could be put before me ? He has admitted that on account of the hopes held out by Ramalingachari he disregarded the mandate of the Congress and gave his evidence. He has also stated that for 8 or 9 months before he went to Bowringpet to ~~xxxxxx~~ offer satyagraha he was unemployed and had no means of livelihood; that even now he is unemployed and finds it difficult to maintain himself and that at Bowringpet he asked the police to give him a job as he was helpless. That shows that he is a man of straw, without any means of livelihood and is prepared to do anything for getting some money. I do not think it is worthwhile discussing further

further the worthless and contradictory evidence given by this witness and this is all the evidence before me as regards the incidents that are said to have happened at Bowringpet on the 12th and at Devanhalli on the following day.

It may be mentioned that the next witness examined Srikantiah, Witness No. 87, has also stated that he was brought by Ramalingachari who advised him to give evidence as that would be advantageous and as the evidence recorded would be sent on to Mahatmaji.

The only other incident which is alleged to have taken place at Devanhalli is the ill-treatment to which certain volunteers headed by N.B. Gangadhariah were subjected on the 14th ~~October last~~ which Gangadhariah mentioned in a speech he made at the Rangacharlu Memorial Hall Compound at Mysore on the 16th October. His complaint in brief, as can be gathered from the report, is that he and some volunteers went to offer satyagraha at Kolar Gold Fields on the 10th October; some of them were forced to give apologies; the rest including himself were taken to Chikballapur and from there he came to Bangalpre; that he again went with four volunteers to the Kolar Gold Fields on the 13th when the police took them to the police station where a Police Inspector asked him to remove his clothes and lie down on the ground; that the former asked a Mahomedan to commit an indecent assault on him; that the Mahomedan went away saying that it was not right to do so and then they let go of him; and that the other volunteers were punished severely.

severely.

Referring to what took place at Devanhalli, he said that the Sub Inspector closed the doors of the police station and asked him to drink urine that was brought in a bottle just then; and that the police brought a "madiga" and with his help poured the urine into his mouth. He further stated that two constables held his mouth firmly; that the "madiga" went away and a "holeya" was brought in who was asked to spit into his mouth and that all the five volunteers were subjected to this treatment. He also added that they were forced to drink water in which waste matter had been dissolved.

As regards this allegation, most of the remarks made with regards to Gavirangappa's complaints apply with equal force to the allegations made by Gangadhariah. A number of notices were taken to Gangadhariah for appearance before me to substantiate the statements he is said to have made in the speech abovementioned. It appears he was undergoing his sentence in the Shimoga Jail wherefrom he was released some time last month and his whereabouts could not be traced either here or at Shimoga. Nor has he voluntarily appeared before me to give evidence.

As I have mentioned in another connection, Devanhalli was fortunately free from such activities and there was no attempt to start satyagraha activities there. Gangadhariah

Gangadhariah and his companions happened to come to Devanhally only on their way to their respective places. The Devanhalli police could have had no motive to subject these volunteers to any cruel treatment. Exhibit 40 shows that police constable Hanumanthappa was sent to Bangalore with two undesirables who were brought from the Kolar Gold Fields that day. It also shows that police constable Kenchappa went to Vodigenahalli in the evening with three other undesirables who were also brought from Kolar Gold Fields. These five undesirables, there is little doubt, consisted of the batch of which Gangadhariah was the leader. According to the evidence of Mr. Bhogappa, these volunteers were brought to Kolar Gold Fields at about 4 p.m., Gangadhariah was despatched to Bangalore by the next available bus at 6 p.m., and the other volunteers were sent to Vadigenahalli with another constable the same evening. In the short time the volunteers were at Devanhalli, it is absurd to imagine that such atrocities could have been committed on five of these persons.

The entries in Exhibit 40 support the evidence given by Mr. Bhogappa and that exhibit was sent to the District Superintendent of Police, Bangalore,

on the

on the 15th and the office seal shows it reached Bangalore on the 16th. What is more important in this connection is the evidence of Chiknarasimhaiya, Witness No. 13, who is said to be one of the volunteers who along with Gangadhariah was subjected to this cruel treatment. He has given his evidence in a straightforward manner. He looked to be a truthful witness. He is a young boy of 18 years and the manner in which he gave evidence has satisfied me that his version in the main is correct. According to him, at Devanhalli, the volunteers, of whom he was one, were taken to the police station, kept there for a short time; that Gangadhariah and another were despatched to Bangalore; that he and the other two were sent under escort to Vodigenahalli which place they reached at midnight; and that they were thence taken to Jangamkote the next morning. He has stated in very clear terms that he and his companions were not subjected to any ill-treatment at Devanhalli or Kolar Gold Fields and that the version that urine was poured into the mouths of the volunteers; and that a "holeya" was asked to spit on them was altogether false. With respect to the serious incidents which according to Gangadhariah happened at the Kolar Gold Fields

Fields and at Devanahalli what this witness Chikka-narasimhiah (Wit.No.13) says is as follows:-

"We were taken into the room within a few minutes after Gangadhariah was taken there. Thereafter we were all together until we were sent away from Kolar Gold Fields. We were not put to any torture nor were we beaten by the Police at the Police Station there. It is false that Gangadhariah was stripped naked and was made to lie flat on the floor and it is also false that any indecent assault was attempted to be committed on him. No Mussalman was asked to commit any indecent assault on him. At Devanahalli we were detained in the Police Station for half an hour. No urine was brought to us and we were not forced to drink any urine. It is false that any urine was poured into the mouth of any of us including Gangadhariah. Gangadhariah was sent away to Bangalore before we left Devanahalli".

This evidence which I see no reason to disbelieve gives the lie direct to Gangadhariah's version. It may be observed that this boy has admitted that when the District Superintendent of Police of the Kolar District happened to go near his village, he made a statement to him that they were ill-treated by the police, but he has explained that he was instigated to make a statement in that manner by one Muniswamiah of Melur who was a Congress worker and that what he stated before me is true. The entries in Exhibit No.40 corroborate to a large extent the statement of this young boy and I see no reason to disbelieve the evidence given by this witness.

Three other persons who were alleged to have been with Gangadharaiah and who were similarly subjected to cruel treatment have not appeared before me and given evidence. One of them (Muniswami) though served with notices, did not care to appear and give evidence.

It may also be observed that after conviction, Gangadhariah submitted an apology to the District Magistrate of Mysore on the 27th of October 1939 regretting his conduct and praying to be released. That I gather was rejected. After he was transferred to Tirthahalli Jail, he and another satyagraha prisoner -- Convict Boria-- submitted another apology regretting their conduct. The records show that that apology was accepted and they were released. He had declared with pride in his speech at Mysore that having imbibed the doctrine of truth and non-violence, he tamely submitted to the indignities to which he was subjected at Kolar Gold Fields and at Bowringpet and that from some volunteers apologies had been extorted. These principles which he laudly professed to follow seem to have vanished the moment he was put in jail and he who had complained that apologies had been taken by force from satyagraha prisoners did not hesitate to tender an abject apology after his first had been rejected. Gangadharaiah's story is full of improbabilities and he does not seem to have any regard for truth. I have therefore no hesitation in holding that the cruel treatment alleged to have meted out to these volunteers on the 14th is also false.

Mr. Bhogappa suggests that on account of malice these misdemeanours have been attributed to him by some of the Congress workers and he relies on Exhibit II to show that as he was strict in enforcing processes for the recovery

recovery of fines he has been maligned in this manner. Exhibit II purports to be a letter written by Mr. K.Hanumanthiya to Mr. Raju and is not dated. It reads: "The bearers of this letter are victims of the repressive policy of the Government. The Police of Devahhalli who are acting in a high-handed fashion deserve whipping from your hands. Kindly enquire facts and do the needful." On the back of it is what purports to have been written by Mr. T. Siddalingiah to Mr. Raju and is also not dated. (Exhibit II b.). It reads: "What the Government is doing is only to frighten villagers by means of attachments and so on. The present instance gives us a handle to arrest that policy and keep the Police under check. Inspector Bhogiah must be booked in this instance. Other Inspectors will learn the lesson automatically. Your services are always effective on the Government mind."

That Exhibits II and II (b) are in the writing of Mr. Hanumanthayya and Mr. Siddalingiah respectively and are signed by them is spoken to by Mr. Ramalingachari, (witness No.89). He also says he was having correspondence with them and that he is familiar with their writing and signature. This letter, according to the Superintendent of the Central Jail and the Head-Warder, (P.W.21) was sought to be clandestinely sent on 30th October 1939 through a convict, Gaviappa, when he was

was due to be on expiration of his sentence. This was taken possession of by the Warder when the convict before release was searched according to the rules and submitted to the Superintendent. He has stated that Messrs K. Hanumanthaiya and T. Siddalingiah were prisoners at that time in the Central Jail and that sending letters in that manner is against jail rules. The correspondence shows that the Superintendent communicated this fact immediately to the District Superintendent of Police, Bangalore on 6-7-1939 and Exhibit II was produced from the old files of the Superintendent. If these gentlemen attempted to send it in that clandestine manner, to say the least of it, it is highly objectionable; and the wording of the letter shows that on account of what Mr. Bhogiah was doing towards the recovery of fines, it was the idea of some of the Congress workers that he should be 'booked' so that it might be a lesson to others.

As on facts I have found that the complaints against Mr. Bhogappa are not true, it is unnecessary to devote any further attention to Exhibit II.

So far as Bangalore District is concerned, it has not been suggested with any seriousness that any other satyagraha prisoners were ill-treated or tortured by the police or other subordinate officers.

III

SHIMOGA DISTRICT

By far the most serious accusation made against the police in the Shimoga District is the one made by Mr. Maroor Veerabhadrappa of Sagar who was arrested at Sagar on the morning of the 17th of October last. His case is that he was arrested ~~in~~ on the 17th morning by Mr. Kesava Iyengar, Sub Inspector when he was returning to his house with some flowers for 'puja' and was taken to the police station; that after he entered the police station, he was given two slaps on his cheeks and ~~x~~ that when he told the Sub Inspector that he was an invalid, the Sub Inspector threatened to fist him and told him that he would suck his blood; ~~and~~ that he then spat on his face, gave a blow on his back and locked him inside a room. Veerabhadrappa admittedly was taken to Shimoga that afternoon. The evidence of ~~the~~ Sub Inspector Kesava Iyengar is as follows: That in pursuance of a warrant issued by the District Magistrate of Shimoga under the provisions of the Public Securities Act, he arrested Veerabhadrappa (~~him~~) on the morning of the 17th of October at about 7 A.M. and took him to the police station; and after leaving him there, he was going to the Police Inspector to acquaint him ~~with~~ of this fact ~~whom~~ when he met (Police Inspector) on the

on the road; they both came together to the police station; he was there asked by the Police Inspector to go to Maroor, a village eight miles from Sagar, in order to arrest Veerabhadrappa's brother Rudrappa; he accordingly went in a car with a Police Duffedar and a constable to Maroor and brought Rudrappa and another brother of Veerabhadrappa at about 11 o'clock and that the Police Inspector arranged to send Veerabhadrappa in a bus and despatched him to Shimoga at 1.30 p.m. The Inspector, in his evidence, has corroborated the version given by the Sub Inspector. The question is whether in the short interval between Veerabhadrappa's reaching the police station and the arrival of the Police Inspector, Veerabhadrappa was assaulted and spat upon as alleged by him. The police station, according to the plan, Exhibit 22, is situate in a square to the north of the Bangalore-Honnavar road -- a very busy road, and is surrounded by shops and houses on all sides. Veerabhadrappa himself is an educated man having passed one branch of the B.A. Examination of the Mysore University and seems to have spent a number of years as a student in the

in the Maharaja's College, Mysore. Mr. Puttanna, Superintendent of the Shimoga Jail, has stated that Veerabhadrappa was his college-mate; that he was in the I year B.A., when Veerabhadrappa was in the III year B.A., and that Veerabhadrappa was still a student in the college when he took his B.A. Degree. He is a big land-holder and as the evidence shows, he had organised a volunteer camp and was sending batches of people to offer satyagraha. After he was arrested and taken to the police station which ~~is~~ was in such an open place, he would have certainly asserted his rights and created a hubbub if he had been dealt with in the manner alleged. Veerabhadrappa has refused to appear before me and has endorsed on the notice that he was not willing to make a statement as he ~~had~~ has not been authorised to do so by the Mysore Congress Working Committee. It appears that on the complaint he made towards the middle of December last that he was assaulted and ill-treated by the Sub Inspector, the Deputy Commissioner held an enquiry and in the course of that enquiry his deposition has been recorded. At that time, he had no hesitation to take part in the enquiry and offer evidence. Though he did not appear before me, in order to understand his case and have the benefit of his statement with regard to the very serious allegations

allegations he had made, I admitted his statement as evidence and that is Ex.30. He therein admits that he was brought to Shimoga in the afternoon of the 17th of October. Mr. Somappa, ~~the~~ District Superintendent of Police of Shimoga, has stated that ~~(he)~~ Veerabhadrappa was taken direct to him on ~~reaching~~ arrival at Shimoga and that he was thereafter produced before the District Magistrate. In the course of his statement before the Deputy Commissioner, ~~Mr.~~ Veerabhadrappa has stated that he mentioned to the District Superintendent of Police that he was assaulted and ill-treated by the Sub Inspector after his arrest at Sagar. The District Superintendent of Police has stated that it is altogether false and he has further stated that if any such statement had been made to him he would have immediately made an enquiry into the matter, in order to find out if there was any truth in that complaint. However, Veerabhadrappa has admitted that when he was produced before the District Magistrate he did not mention to him that he was assaulted and ill-treated by the Sub-Inspector of Sagar. He is not an illiterate man ignorant of his rights and unable to assert them. He was kept in the Sub Jail, Shimoga, till the 25th of October when he was sent for treatment to the Mcgann Hospital.

~~Mr~~. Veerabhadrappa

~~Mr~~. Veerabhadrappa has admitted in the statement to which I have referred that he did not mention to the District Medical Officer that he was assaulted and ill-treated by the Sub Inspector. The hospital case sheets Ex.29 clearly show that the ailments for which he was treated in the Mcgann Hospital were not due to any violence used to him. If he believed his ailments were due to violence used by the Sub Inspector, one would naturally expect him as an educated man to mention it to the District Medical Officer. In his statement to the Deputy Commissioner he has stated that he mentioned ~~it~~ to the Superintendent of the Shimoga Jail (that he was ill-treated). Mr. Puttanna has stated that he took charge of the Jail on the 22nd of October; that he was the first Superintendent of the Jail; that previously the District Medical Officer was in charge of the Jail as District Lock-up Officer; and that to him, Veerabhadrappa never made any complaint of assault or ill-treatment by the Sub Inspector. What is still more important is a petition (Ex.32) presented to the Superintendent by Messrs. H.C. Dasappa, K.T. Bhashyam and other political leaders on the 24th of October mentioning that they would go on a hunger strike, as they had heard rumours that some ~~political~~ satyagraha prisoners were subjected to ill-treatment by the police. Another

petition

petition (Ex.33) signed in Kannada by a number of prisoners was also presented on the same day to the Superintendent of the Jail. Mr. Dasappa and others were, according to the evidence of the Superintendent, on that day and for some days previously in the same ward as Veerabhadrappa. They must have had frequent talks about the ill-treatment to which, what they call, the political prisoners ~~were~~ had been subjected and if Veerabhadrappa had been ill-treated or assaulted, ~~that~~ it would certainly have been mentioned in the two petitions to which I have referred. No such allegations has been made in those petitions although Veerabhadrappa was a man of considerable importance in the Congress circles, not only by virtue of his social position but by virtue of his being the local leader organising the satyagraha movement and arranging for the persons who had to offer satyagraha from day to day. Veerabhadrappa ~~Gowda~~ was discharged from the hospital about the first week of November and he was in Jail until he was again sent to the Mcgann Hospital because of some gastric trouble. The Superintendent of the Jail has given evidence that he was meeting Veerabhadrappa ~~gowda~~ in the Jail almost every day as long as he was there and that ~~he~~ he on some occasions met him in the hospital. Mr. Somappa has stated that he

met

met Veerabhadrappa in the hospital when he went there in connection with a motor accident case. It is very surprising that even on those occasions Veerabhadrappa did not mention anything of the assault and ill-treatment by the Sub Inspector. It was only about the middle of December during Mr. Desai's visit to Shimoga and Sagar that Veerabhadrappa seems to have mentioned for the first time that he was assaulted and ill-treated by Mr. Kesava Iyengar. ~~and~~ The District Superintendent of Police has stated that until then he had heard of no such complaint against Mr. Kesava Iyengar. Why he ~~suppressed it~~ bottled it up for nearly two months and made it public only at that long distance of time, has not been explained by Veerabhadrappa and not a word of explanation in that connection was offerred by him in the course of his statement to the Deputy Commissioner as can be gathered from Ex.30. Next Veerabhadrappa's evidence is that he was assaulted in the police station where he was taken after his arrest, and admittedly he was not detained there for more than 6 or 7 hours. The Station ~~Main~~ Sentry Diary, Ex.34, shows that there were only two prisoners in the police station on the 17th. ~~of October last~~. There is evidence that the other prisoner was one Parasa against whom there was a charge of a heinous offence of murder. It appears he was since put on his trial and convicted

convicted for the offence of hurt and sentenced to a short term of imprisonment. He is a prisoner in the Shimoga Sub Jail and his evidence shows that he was on that day one of the two prisoners in the police station at Sagar. Before the Deputy Commissioner, one witness Venkata Rao seems to have been put forward as a person who was with ~~him~~ Veerabhadrappa in the police station when he was assaulted and that he was an eye-witness to the assault and ill-treatment. But the evidence of the Inspector and the Sub Inspector shows clearly that ~~he~~ Venkatarao had been arrested some days previously on account of his activities in connection with the satyagraha movement; and that he had been detained in the Magisterial Lock-up and not in the police station. This Venkata Rao was closely associated with Veerabhadrappa in these activities and has since been convicted. He was also served with a notice to appear before me but he has said that he is not prepared to offer any evidence without the permission of the Congress Working Committee. His evidence is not therefore available and in my view, his evidence seems to be useless in this connection because the police station Sentry Diary clearly shows that only two persons were at the police station at the relevant time and one of them was admittedly Veerabhadrappa and the other was, according to the evidence of

Police

Police Inspector and the
of Parasa, was, Parasa himself
was in the police station until
Sagar; that there was only one other
namely, Bhat, for some days and that
another Congress worker was brought and
away after a short time. The other evidence
before me shows that he must be referring to
Veerabhadrappa who was admittedly kept in the
police station on the 17th from the time of his
arrest until he was despatched to Shimoga. He
has stated that he did not witness any Congress
worker being assaulted or ill-treated. I do not
see why that statement should not be believed,
particularly, when Veerabhadrappa has not attempted
to establish the very serious accusations he made
against Mr. Kesava Iyengar. It may however be
noted that Parasa has stated that as he was detained
in a cell he could not see what was going on out-
side his cell. The only other cell in the police
station as shown in the sketch is quite adjacent
to the cell in which Parasa was detained and the
other portion of what might be called the interior
of the police station, which is marked 'c' in the
plan, communicates with the cell to which Parasa has
referred. If any prisoner was ill-treated and
assaulted in the manner suggested, Parasa must have
at least

Police Inspector and the Sub Inspector as also that of Parasa, was, Parasa himself. He has stated he was in the police station until he was removed from Sagar; that there was only one other individual, namely, Bhat, for some days and that afterwards another Congress worker was brought and he was sent away after a short time. The other evidence before me shows that he must be referring to Veerabhadrappa who was admittedly kept in the police station on the 17th from the time of his arrest until he was despatched to Shimoga. He has stated that he did not witness any Congress worker being assaulted or ill-treated. I do not see why that statement should not be believed, particularly, when Veerabhadrappa has not attempted to establish the very serious accusations he made against Mr. Kesava Iyengar. It may however be noted that Parasa has stated that as he was detained in a cell he could not see what was going on outside his cell. The only other cell in the police station as shown in the sketch is quite adjacent to the cell in which Parasa was detained and the other portion of what might be called the interior of the police station, which is marked 'c' in the plan, communicates with the cell to which Parasa has referred. If any prisoner was ill-treated and assaulted in the manner suggested, Parasa must have

at least

at least heard the noise occasioned thereby. I have therefore no hesitation in coming to the conclusion that the complaint of Veerabhadrappa is altogether false and has been put forward after an inordinately long time with ulterior motives.

Venkata Rao was produced before me in the Shimoga Sub Jail as he has been serving his term of imprisonment there. It appears that at one stage he stated that he was also ill-treated by the police and when asked whether he was subjected to any ill-treatment by the police his only answer was "I do not make any statement in that connection" and when asked whether Maroor Veerabhadrappa was assaulted or ill-treated by the police he stated, "I do not want to make any statement in that connection," and when questioned where he was detained after his arrest he said, "I do not want to make any statement." His excuse was that he had not "received any authoritative information from the Mysore Congress." He did not explain what information he expected to get from the Congress and it is difficult to see how the Congress could give him any information with regard to the alleged police excesses, when he was expected to speak from his personal knowledge of the matter. If he and his comrade ~~other~~ did not want to make any statement without the orders of the Congress ~~they have not explained~~ under

under whose authority did they accuse the police or Jail authorities behind their back and when they had no opportunities to defend themselves ? It is shocking to one's sense of fairness or justice that a man who charges another with all sorts of atrocities behind his back, when asked to establish those charges, should say he would not make any statement. The evidence shows that Venkata Rao had not been detained in the police station when Veerabhadrappa was there on the 17th. Venkata Rao did not therefore have any opportunity of knowing of what took place in the police station on the 17th, and if Venkata Rao has, at any time said that he witnessed Veerabhadrappa being assaulted and ill-treated, I think he has deliberately made a false statement. He is obviously a false witness trying to support his comrade and master Veerabhadrappa. Veerabhadrappa made a very serious allegation against the Sub Inspector Mr. Kesave - Iyengar. That, I have pointed out, was a very belated complaint. In the course of the enquiry by the Deputy Commissioner towards the end of December, he did give evidence, which, I understand the Deputy Commissioner was not inclined to believe as his story was not supported by any independent and reliable evidence. The circumstances to which I have mentioned clearly shows that it is very improbable that Mr. Kesava Iyengar would have assaulted him in the manner alleged and that in the police station which has houses or shops on all sides. He must have known

that he was dealing not with an illiterate villager but with a man of influence and position as I have mentioned. Veerabhadrappa would have certainly created a sensation and attracted the attention of the persons round about the police station. It is difficult indeed to understand his present attitude. To make a serious statement affecting the reputation of a public officer and to keep back when asked to establish it, shows nothing but a reckless failure to realise one's duties and responsibilities, if it is not altegether an act of extreme cowardice. The reason given by Veerabhadrappa for not giving evidence in the enquiry seems to me to be altogether unsound and it suggests that he is only anxious to shirk his duty for fear that he may not succeed in establishing the very serious charges he recklessly made against Mr. Kesava Iyengar. Moreover, what motive could Mr. Kesava Iyengar have in treating

(Continued in the next page)

in treating Veerabhadrappa in that manner ? Mr. Kesava Iyengar according to the evidence had gone to Sagar as Police Sub Inspector only three weeks before and he says he was new to Sagar and that he did not know Veerabhadrappa before. He was only making an arrest according to the warrant issued by the District Magistrate of Shimoga. Why would he, unprovoked and without any motive, ~~subject~~ assault such an influential and educated person ~~to assault~~ and ill-treat him in the manner ~~suggested~~ alleged? The District Superintendent of Police, Shimoga is himself a 'Lingayet', a community to which Mr. Veerabhadrappa belonged. Would not Veerabhadrappa, if he was subjected to such ill-treatment, have mentioned it to the District Superintendent of Police? If he was really assaulted and insulted in that manner, why did he not mention it to the Inspector ? Even in his statement to the Deputy Commissioner he does not say that he made any complaint against the Sub Inspector to the Police Inspector who was in the police station very soon after his arrest. The story given by ~~Mr~~. Veerabhadrappa seems to be altogether preposterous and is difficult ~~for any one~~ to believe that he was subjected to any ill-treatment by the police. It is suggested that Veerabhadrappa thought of making this accusation against the police because all the adult members of his

family

family had been arrested either under the Public Security Act or in connection with the "satyagraha" movement. I have referred already to the arrest of Rudrappa, It appears, another brother of Veerabhadrappa was arrested for his connection with the satyagraha movement, as also a nephew of his. It is unnecessary for me to consider whether that was his motive in making false charges against the local officers or whether he made them in order to enhance the prestige of some of the prisioners and show forth that they were truthful and honest and martyrs in the cause of the public.

There is evidence that after Veerabhadrappa's arrest, the satyagraha movement in the taluks stopped showing how powerful and influential he was there. Can it be imagined that such a person would keep quiet for nearly two months if he had been actually assaulted and insulted in the manner suggested and come out with the complaint after such an inordinate delay ? The charges made by Veerabhadrappa seem to be altogether false and frivolous.

Besides the ill-treatment and cruelty to which Mr. Maroor Veerabhadrappa was subjected, the only other complaint relating to Sagar is that of Venkata Rao, newspaper salesman, who has stated that he was arrested and abused and also threatened that his

brother might lose his job if he did not apologise. He does not go to the length of saying that he was actually assaulted or beaten by the police. He has been convicted of some offence connected with satyagraha activities and he has been serving his sentence in the Shimoga Jail. I sent for him and examined him. When asked if he was assaulted or abused or otherwise ill-treated by the police, he stated that he was not going to answer my question without the authority of the Congress. It may be mentioned that his complaint is not that he was beaten or assaulted, but that he was abused. What the abusive language used was, he does not seem to have stated. That he was abused and threatened in order to extract an apology in the manner alleged has not been made out.

It has not been alleged that any ill-treatment was meted out to any satyagrahi prisoners in Shimoga Town or in any other part of the District.

IV.

CHITALDRUG DISTRICT.

In Chitaldrug District the satyagrha activities do not seem to have been carried on in a non-violent spirit. The movement commenced in this district from about the middle of September 1939. It began with the picketing of liquor shops in Chitaldrug Town where, however, nothing untoward happened. From about the 18th, the forest satyagraha activities were started in the district beginning with Turuvanur in Chitaldrug Taluk, about 18 miles due north of Chitaldrug Town. During the progress of these activities the satyagrahis, in some places, became more and more violent assaulting public servants, causing damage to ~~the~~ Government and private property by cutting date trees and by destroying toddy pots, etc. It is unnecessary to go in detail into what happened in those places as no excesses are alleged to have been committed by the police or the subordinate officers of the Excise Department in any of those places except at Kolahalu and Hiriyur to which reference will be made later. In some places it must be conceded that the activities were carried on in a very violent spirit. Exhibits 46 and 52 to 55 which are judicial pronouncements, conclusively prove that fact. Exhbit 46 is a copy of the judgment of the Session's Judge of Shimoga before whom 10 accused persons were tried for various offences in connection with the

the incidents that happened at Turuvanur on the 22nd September. They were convicted of offences under sections 427, 447, 148 and 333 of the Indian Penal Code. The offences under section 427 and 447 relate to ~~the~~ trespass on Government land and the cutting down of date trees there and may be said to be the direct result of the satyagraha activities started in the district and ~~need not~~ may therefore be ignored. But the other offences under section 333 and 148 are of a more serious nature showing the conduct of the satyagrahis concerned. Accused 1 in that case, viz., Kalappa ~~has been convicted~~ was charged ~~in that case~~ by with for having voluntarily caused grievous hurt to an Excise peon who was on the spot on that occasion in discharge of his duties as an Excise official. The injuries which the Sub Assistant Surgeon, who examined him soon after the incident, found on his person, as the judgment shows, are as follows:--

(1) the upper left lateral incisor tooth was very shaky, the gums over the socket were congested and swollen;

(2) the (mucus) membrane over the inner part of the left upper cheek was congested;

(3) the central part of the upper lip over the

the area of the incisors was swollen.

In the opinion of the Doctor who was examined in that case the injuries might have been caused by fisting and it was elicited in his cross-examination that 'it must have been a very violent fisting, which caused the dislocation of the incisor tooth'.

Accused 1 was convicted of causing an offence punishable under section 333 I.P.C. and the other accused, viz., Accused 2 to 10 were also held to be constructively guilty of that offence. It may be added that the case was tried with the help of assessors who gave a unanimous opinion that the accused were guilty.

It is worthy of remark that the accused were defended by their own counsel in the Session's Court. The conviction was not impeached before the High Court. That the Excise peop was assaulted and was caused grievous hurt, shows what violence these accused indulged in. It is preposterous to suggest in the face of this judgment that the satyagrahis were non-violent. ~~and were followers of truth~~.

Turuvanur: In Criminal Case No.23/39-40 in the Court of the First Magistrate, Chitaldrug, 15 persons were charged with having committed various offences at Turuvanur on the 18th September. Some of them

relate to offences directly connected with the cutting of date trees on Government lands. I am not prepared to attach much importance to those offences for reasons already given. But they were also charge-sheeted for having assaulted a public servant, viz., an Excise official. One of the accused in the case is Mr.Nijalingappa, an Advocate of the Chitaldrug Bar. The finding in that case is that it was clearly established that accused 1 and 2 assaulted Mr.Venkataswamy, an Excise Inspector, P.W.8, when he tried to prevent them from cutting date trees. The convictions were allowed to stand and were not impeached before a higher tribunal in appeal. (See Exhibit 52)

Again in Criminal Case No.24/39-40, 7 persons were charged with having committed several offences under the Indian Penal Code in connection with the forest satyagraha at Chikkasiddavvanahalli in Hiriyur Taluk. Even with respect to this case I am not prepared to attach much importance to the offences directly connected with the cutting of trees. But what is remarkable in this case also is the fact that one of the charges against the accused was that they voluntarily caused hurt to P.W.1, an Excise official, that accused 1 and 2 pushed him; that the witness fell down and that his uniform became spoiled. It was found on evidence by the learned Magistrate that accused 1 and 2 voluntarily caused hurt to a Public

Servant and thus committed an offence punishable under Section 332 of Indian Penal Code and it was also held that accused 3 to 7 were also similarly guilty by virtue of Section 149 of the Indian Penal Code (Ex: 53)

Somagudda, Challakere Taluk:- In Criminal Case No.28 of 39-40 on the file of the First Magistrate's Court, Chitaldrug, 8 persons were charge-sheeted for various offences said to have been committed at Somagudda, Challakere Taluk. One of the charges against them was that they committed assault on an Excise Assistant Inspector, Mr.Lakshmanan, when he was in the execution of his duty as a Public Servant trying to prevent the cutting down of date trees. One of the accused Uppina Murigappa, it may be noted, engaged his own counsel to defend himself. It was found by the learned Magistrate that accused 1 and 2 assaulted the Excise Assistant Inspector and committed an offence under Section 353 of the Indian Penal Code and that the other accused were also constructively guilty of that offence. Uppina Murigappa, during the trial of the case, tendered an unqualified apology to the District Magistrate and applied for the withdrawl of the case to the District Magistrate. That was accepted and he was acquitted. Exhibit 50 is the mutchalika presented by him and Exhibit 51 is the order of Government conveying the approval of the Government to the withdrawl of the case against him. (Exhibit 54)

One other judgment to which reference may be made is that in C.C.No.58 of 39-40 on the file of the same Magistrate. This again related to the activities of some satyagrahis in connection with their forest satyagraha and relates to what took place on the 2nd of October in the village of Golla-rachikkanahalli (also known as Kalanaikanhalli) in the Hiriyur Taluk. 16 persons were charged with various offences of which one only need be mentioned. The accused pointed ~~showed the~~ axes at the officials in a threatening manner (~~way~~) when a tree marker Muhammad Kasim went to prevent the accused from cutting the trees. Accused 3 to 5 placed their hands on the tree-marker and pushed him. All the accused were found guilty of the offence of assaulting a Public Servant under section 353 I.P.C. (Exhibit 55.)

The accused in the above cases were convicted and sentenced to punishment after a formal trial and those convictions were not challenged in appeal and have been allowed to stand by the accused. Can it be urged with any grace that the movement was non-violent and that the so-called satyagrahis did not indulge in any acts of violence and were strictly non-violent in their activities in the District?

Despite the fact that ~~in~~ these ~~the~~ satyagraha volunteers indulged in violence and belaboured some of the officials of the Excise Department, there have been

the old Palegars of Chitaldrug and who is a political pensioner, has said that the Sub Inspector, after he was arrested the second batch, was pushed towards a fence when some villagers went to his rescue and brought him out of the crowd. He has also stated that a little before, a lorry carrying toddy in a leather bag was detained by some of the crowd and that they even threatened to cut the leather bag and throw out all the toddy and that on the advice of himself and a few others, the lorry was allowed to proceed. The witness also stated that the crowd obstructed three military ambulance ~~lorries~~ Vans coming from Davangere en route to Chitaldrug and that they even pelted stones at them and that a driver came out of one of the ~~lorries~~ Vans and threatened to shoot at the mob; and that on the advice of the Amildar and others that the consequences would be serious, the crowd allowed the ambulance ~~lorries~~ Vans to proceed. There is no reason why the evidence of Mr. Madikere Naik should not be believed.

Mr. Balakrishna Mudaliar, a contractor at Davangere, has given evidence that he was proceeding in his car to Chitaldrug on the afternoon of the 9th of October; that he passed through Kolahalu at about 3.30 p.m., that there was a huge crowd at Kolahalu which detained his car and that on his mentioning that he was a D.P.W. contractor proceeding to Chitaldrug in order to receive

receive his bills, his car was allowed to proceed. He is an absolutely disinterested witness and his evidence shows that the crowd was behaving in a very high-handed manner.

What is more important in this connection is Exhibit 48, a letter written by a correspondent of the "Tainadu" issued on the 16th of October. There is evidence that Mr. Srinivasa Jois, a pleader, is the only local correspondent of the said paper and it is suggested that Exhibit 48 gives publication to the letter written by this correspondent. Omitting the unnecessary portions, it reads:

> "When the satyagraha activities were going on at Kolahalu, some boys, children and rowdies had gone with the satyagrahis. The village of Kolahalu is by the side of the Bangalore-Dharwar road. Some stones were pelted on some lorries and Red Cross Ambulances when they were passing on that road. The authorities immediately secured help and took care that nothing untoward happened."

This information published in the "Tainadu" was not later contradicted either in the "Tainadu" or in any of the newspapers. Being a letter written within a couple of days after the incidents and standing uncontradicted, Exhibit 48 is entitled to much weight.

Gurunatha Rao, Witness No. 67, a driver in the Mahadeva Motor Service which runs between Davangere and Chitaldrug has said that on the 9th of October last he left Davangere at 4 p.m., reaching Kolahalu at 5.30 p.m., where there was a huge crowd; that the Sub Inspector asked

asked him to take six arrested persons to Chitaldrug; that he got down the bus and found seats for them in the bus. According to him, at that time, a number of persons rushed towards the bus and some of them got into the bus and gave him trouble and would not allow the bus to proceed for about an hour; that ~~the~~ remonstrances by the officers ~~were~~ was of no avail and that it was only after it grew dark when the crowd began to disperse that he was able to proceed to Chitaldrug.

Witness No. 66, Channabasappa, Patel of Bharmasagara, has stated that on the 9th, a large crowd had collected at Kolahalu and after the arrests were made, the Sub Inspector was actually pushed towards the fence when he was rescued by a few persons in the crowd; that about that time, three military lorries came from - Davangere which were stopped by the crowd; that some people indulged in pelting stones on them while some others got into the lorries; that as the crowd behaved in that rowdy manner, the driver of one of the lorries took out a gun and pointed it at the crowd whereon the Amildar pacified him and advised him not to behave in that manner and that afterwards the lorries were allowed to proceed. Another lorry which came later was, he says, similarly dealt with by the crowd. His evidence is supported by Budan Sab, Witness No. 65.

The evidence of the above witnesses is in material respects corroborated by the evidence of the official

official witnesses to which it is unnecessary ~~to~~ refer, ~~in detail~~. Without going into unimportant details, it may be mentioned at this stage that noticing that the crowd had become very rowdy, the Excise Sub Inspector was sent to Chitaldrug in one of the Red Cross Ambulances to apprise the district authorities of the situation at Kolahalu and requesting for further police help. There is evidence that between 7 and 8 p.m., the Deputy Commissioner visited Kolahalu on his way to Davangere and that by 8 p.m., a Havaldar of the Reserve Police Force with 10 constables came to the scene. As by that time the crowd had ~~disappeared~~ dispersed, five of these constables returned to Chitaldrug while the rest were stationed at Kolahalu for patrol duty.

I shall now consider the incidents which are alleged to have happened at Kolahalu on the 10th and which are by far the most serious. It is suggested that a woman by name Gowramma was badly treated by the police and was pushed into a room in a temple at Kolahalu. It is also alleged that one of the volunteers arrested, by name Rangappa, was assaulted and insulted by the Excise Inspector who spat on his face and also into his mouth. There is a fairly large volume of evidence with respect to what happened at and near Kolahalu on that day. The Amildar and the Sub - Inspector of Police and the Excise Inspector were at Kolahalu on duty on the morning of the 10th anticipating

anticipating trouble in view of what had occurred on the previous day. Mr. Balakrishna Mudaliar to whom I have already referred passed through Kolahalu at 11 a.m., on his way back to Davangere when he met the Excise Inspector, the Amildar and some of the police officers and he has stated that at that tine no crowd had gathered. That is supported by the evidence of Mr. B. Venkatashamanna to whose evidence I shall refer in greater detail a little later on. He has stated that when he passed through Kolahalu on his way to Davangere, he met the Amildar who told him that they apprehended trouble from satyagraha volunteers. Of what happened that afternoon the most important evidence is that of Oba, himself a satyagraha volunteer and a resident of Kogundi, 4 miles from Kolahalu. He says that 8 or 10 persons from his village who were members of the Congress came to Kolahalu by about 9 a.m., and that he also accompanied them; at about 2 p.m., a batch of five persons of whom he was one went to a bridge which is two furlongs from Kolahalu on the road from Kolahalu to Chitaldrug and proceeded to cut date trees in a grove there and that the Bharmasagara Sub Inspector arrested them there and seized the flag which Hampanur Rangappa had in his hand. He has further stated that they were all taken to a temple at Kolahalu which is by the side of the main road; that the police afterwards brought into the temple 10 or 15 persons on

on the ground that they were making trouble there; that all were detained there till about 5 p.m., when the arrested volunteers were sent on to Chitaldrug by a bus coming from Davangere; that they reached Chitaldrug a little after sunset and that Hampanur Rangappa was with him throughout. That a batch of five volunteers offered forest satyagraha is fairly supported by the other evidence ~~also in the case~~ on record. That one of the volunteers had an axe in his hand and attempted to cut date trees is the evidence given by Oba. That they were afterwards taken to a temple and that along with them a large number of persons were also detained in the temple is (fairly) supported by the evidence of reliable and disinterested witnesses.

Mr. B. Venkatashamanna, one of the leaders of the Chitaldrug Bar, has stated that on the morning of the 10th, he went to Davangere in connection with his professional work and on his return journey he met the Amildar at Kolahalu whom he asked if anything had happened, particularly, as, on ~~the~~ his way to Davangere, the Amildar had told him that he anticipated trouble in view of what had happened on the previous day. Mr. Venkatashamanna's evidence may with advantage be extracted here. He has stated:-

> The Amildar told us that some people had come and they had been detained. He took me and Mr. Bheema Rao there. We were shown 30 or 40 persons who were seated in the verandah of the temple and

and 8 or 10 persons who were in ~~the~~ our adjoining room. Mr. Bheema Rao and I asked them why they had come there; what grievances they had and told them that if they had any grievances they might represent to the Government. Most of them said that they were not Congress volunteers and that they had not come in connection with the satyagraha movement but that they happened to meet the Congress volunteers on their way to their destination and they came with them and had been detained and ~~that~~ they requested us to intercede on their behalf and have them released. I told the Amildar then, that as they were not Congress members there was no need to detain them and if they anticipated any trouble, they might be released after taking mutchalikas from them. The Amildar then questioned them and released them. Meantime, one of those in the room came out and requested that he may also be released. He even caught hold of Mr. Bheema Rao's feet to intervene on his behalf. We then told the Amildar that those in the room who apologised might also be let off. The Amildar however said that five of them had given him trouble and that he could not take the responsibility of releasing them, but had no objection to release the rest. Except these five persons all the rest were released. Those five persons were taken to Chitaldrug by the same bus in which we were travelling. Even out of these five persons, two or three, before they got into the bus, asked Mr. Bheema Rao amd me to recommend their case and have them let off. The Amildar said that they might be taught a lesson and that if they were particular about it, they might tender their apologies to the Court..... When I went to the temple and asked the persons detained there what their grievances were, not one of them complained that he had in any way been assaulted or ill-treated by the police or by the excise officers. They did not complain that they had sustained any injuries, nor did they say that they had any marks of violence. Nor did any of them show any injuries or marks of violence, to us. No one complained that any apologies were taken by coercion. The five persons who were taken in the bus did not complain while we were travelling in the bus that they were assaulted or insulted by the police or excise officers. They were constantly requesting the police to let them go."

According to Mr. Venkatashamanna's evidence, the temple is close to the road and has houses on three sides and there is also evidence that 300 or 400 villagers had gathered near the temple. As I have mentioned, Mr. Venkatashamanna is a very respectable and

disinterested witness. He went and interviewed the persons who had been detained in the temple, among whom were the five volunteers who were later on sent on to Chitaldrug. He has stated he knew most of the people of Kolahalu and of the surrounding villages in his capacity as an advocate, ~~practising at Chitaldrug~~. He even went and asked those persons in the temple whether they had any grievances and no one complained that he was assaulted or ill-treated or in any way insulted either by the police or by the excise officers. His evidence is in every detail supported by the evidence of Mr. K. Bheema Rao, also a legal practitioner at Chitaldrug. He has also stated that he knew some of those who were detained in the temple and that he asked them if they had any grievances, and that some of them asked him and Mr. Venkatashamanna to intervene and have them released. One of them, he has stated, even - caught hold of his feet begging for intervention on his behalf so that he might be released. Is there any reason why the evidence of these respectable and disinterested witnesses should not be accepted ? On their intervention, a large number of persons were released and at that time even when asked if they had any grievances no one had any complaints to make that any of them were assaulted or ill-treated or insulted. The five volunteers who are said to have been assaulted and ill-treated, though travelling in the same bus as these gentlemen, never made any complaints of ill-treatment

ill-treatment or assault. If they had been in any way insulted or ill-treated, it is natural to expect, particularly when Mr. Venkatashamanna was well-known to the people at Kolahalu and the people of the surrounding villages, that the persons in detention as also the villagers outside would have mentioned such ill-treatment or assault to Mr. Venkatashamanna.

There is further the evidence of Oba to which I have already referred who was one of the volunteers arrested and sent to Chitaldrug that none of them was assaulted or ill-treated either by the police officers or by the excise officers. ~~Oba, as has been mxxkxxxxx stated by~~ Mr. Venkatashamanna who happened to be present in court in connection with his professional work a few days after the arrest of these people, has stated that three out of the five who were arrested on the 10th and sent in the bus that evening to Chitaldrug tendered their apologies to the Magistrate and were let off. Oba's evidence is that the other two persons who must apparently be Rangappa and Thippanna also expressed their readiness to tender apology in order to be let off; that they got along with the other three persons who were let off; apology ~~was~~ were written out by one of their batch, viz., Voddar Narasimha; that on going to the court they changed their mind and refused to present their apogogy to the Magistrate saying that they were

prepared to go to jail. Rangappa's complaint ~~was~~ is that he was spat upon by the Excise Inspector who is alleged also to have ~~spit~~ spat into his mouth. This Rangappa was one of the batch to which Oba belonged. Oba's evidence is clear and ~~that~~ it is supported by the evidence of Messrs. Venkatashamanna and Bheema Rao that they were all in one room and travelled together to Chitaldrug. It is not alleged that after they were brought to Chitaldrug they were assaulted and ill-treated by any of the officers, and Oba's evidence is clear ~~and~~ that after their arrest, he was with Hampanur - Ranganna throughout and he has stated definitely that Hampanur Ranganna was not assaulted or ill-treated; and that it is false that the Excise Inspector spat on his face and into his mouth, and he has gone further and said that if Rangappa has made any such statement anywhere, it is a deliberate falsehood. Moreover, if Rangappa, who ~~must be~~ is said to be a Lingayet, was spat upon by the Excise Inspector who is a Muslim by faith, the villagers assembled there who were in such large numbers would have certainly created a hubbub. Rangappa as well as the other villagers would have complained without any delay to the higher authorities. The allegation that he was subjected to this indignity by the Excise Inspector seems to have been for the first time made months later, and that when certain Congress leaders approached him and asked him if he had any complaints to make. (See the evidence of Mr N. Mashavara Rao. D.S.P.) Why did he bottle up his grievances all this long period and

and ventilate them only when asked by some of the Congress leaders ?

On the 22nd of November, this Rangappa and one Thippanna of Hampanur presented a petition (Exhibit 1.B) to the First Member of Council wherein they allege:

> "We made a representation in writing to the District Magistrate of Chitaldrug that at Kolahalu the police beat us and tortured us and committed excesses. In the same way the police have in our presence used very insulting and abusive language and beaten several others at Kolahalu and committed excesses on them. My cloth is blood-stained and has burns and they may be examined. We pray that the matter may be enquired into."

In view of the extravagant statements now made that the Excise Inspector subjected Rangappa to severe indignities, that he spat on his face and also into his mouth, the contents of Exhibit 1 (B) are of considerable importance. Not a word is said about the Excise Inspector in this petition and all the excesses alleged to have been committed are attributed to the police. When a formal petition was given to the First Member of Council why was the most serious portion of the incident omitted ? Hampanur Rangappa who is a Lingayet would not forget the incident if the Excise Inspector, a Mussalman by faith, had spat on his face and into his mouth as he now alleges. If he did not remember this incident on the 22nd November, how then did he remember it and complained of it for the first time about the middle of December when Mr. Mahadev Desai seems to have visited Chitaldrug Taluk ? No explanation has been

offered by Rangappa in regard to this very material variation in his statement. Rangappa was personally served with notice to appear and give evidence in support of his complaint. He has endorsed on the notice that he is not willing to appear and give evidence. Thippanna was similarly notified to appear and give evidence and though he had been personally served, he did not appear and support the allegations he has made in Exhibit I(B). The circumstance that this particular complaint against the Excise Inspector was made for the first time about the middle of December and that no such complaint was made in Exhibit I(B) shows that this is an after-thought and made at the instance of interested persons in order to popularise their cause. When the satyagrahis in the District had behaved in a violent manner as pointed out already, would the Government officials subject the arrested persons to indignity when there was a huge crowd round about the temple? There is also a large volume of evidence given by official witnesses, which shows that the allegation that Rangappa and his batch were cruelly assaulted by the police or other subordinate officers of Government is not true. It may however be noticed that after Rangappa and Thippanna were convicted, they were admitted into the District Lock-up on the 14th of October, i.e., 4 days after their arrest.

A. Venkataramiah, Head Warder of the District Lock-up, whose duty it is to examine these convicts at the time of their admission into the lock-up has, on examining them, made entries in the admission book (Exhibit 41.). Exhibits 41 (a) and (b) relate to the two persons I have mentioned. It appears it is the practice to note in the admission register any injuries or marks of violence found as also the existence of blood stains on the clothing of such convicts. Exhibits 41 (a) and (b) do not show that at the time of their admission in the District Lock-up, these two persons had any injuries on their person or had any marks of violence. He has also stated that their clothing showed no marks of violence and had no blood stains.

Mr: S.B. Ramachandra Murthy, District Medical Officer of Chitaldrug, who is also the District Lock-up Officer, has stated that as District Lock-up Officer, he examines the convicts at the earliest possible moment after their admission; that on the morning of the 15th he examined Thippanna and Hampanur Rangappa and found no injuries or marks of violence on their person, found no marks of violence or blood stains on their clothing and that he found that the entries made by the Head Warder in Exhibit 41 were correct and accurate. He has also stated that in Exhibit 42, which is the Lock-up Medical Officer's Diary, the practice is to enter the ailments or injuries or marks of violence which a person may be found to have

on admission to the lock-up. This Exhibit does not contain the names of these two persons and he explains that that is conclusive proof that on the 15th, these persons were not found to have any ailments or injuries or marks of violence on their person. The District Medical Officer has also stated that these two persons made no complaints to him of any assault or ill-treatment at the hands of the police or the excise officers. It appears that if any such complaints are made to him by any convict, he notes them in the Medical Officer's Diary and reports the same to the District Magistrate. In this case, no such complaint according to the District Medical Officer's Diary was made to him and Exhibit 42 makes no mention of any such complaint. Is it possible to believe that these two persons would not have complained to the District Medical Officer if they had been assaulted or ill-treated as now suggested ? Mr. Madikere Naik to whose evidence I have already referred, has stated that from 2 p.m., he was near the temple at Kolahalu; that he was present when Mr. Venkatashamanna and Mr. Bheema Rao visited the temple and interviewed the persons detained there; that to his knowledge, Hampanur Rangappa or the other volunteers arrested along with him were not assaulted or kicked or booted by the police or the Excise Inspector and that they were not subjected to any cruelty or ill-treatment. The complainants themselves have not given evidence in support of their complaints. It is idle to contend

contend ~~that on~~ in the face of this voluminous evidence ~~that~~ that the volunteers in question were in any way assaulted or ill-treated or that Hampanur Rangappa was spat upon by the Excise Inspector.

There is however another document to which reference may be made in this connection and that is Exhibit No. 49. That purports to be a copy of a letter signed by Rangappa and Thippanna. It seems to have been written on the 14th of October and sent on to the District Superintendent of Police by Mr. Srinivasa Jois so late as ~~XX~~ 28th. The original purports to bear the attestations of four persons of whom Mr. C. Krishna Rao is said to be a Pleader. The allegation therein is that a similar petition had been sent to the District Magistrate. Mr. Srinivasa Jois has not explained as to what became of the original and a copy similar to Exhibit 49 alleged to have been sent to the District Magistrate, is perhaps the petition which Rangappa and Thippanna refer to in Exhibit 1 (B). The evidence also shows that a copy similar to Exhibit 49 was sent to the District Magistrate and there is no evidence that any formal complaint had been made to the District Magistrate by these two persons. Mr. Srinivasa Jois and Mr. Krishna Rao have not also appeared before me and stated under what circumstances the original of Exhibit 49 came into existence. In the absence of any explanation how the original is missing, I am not prepared to attach much importance

to Exhibit 49. I may however mention that the allegations in Exhibit 49 do not also support the case now put forward against the Excise Inspector. The allegations in it are briefly that when offering satyagraha some ~~prisoners~~ persons were arrested and detained in a temple at Kolahalu; that some persons who had been put into the temple had injuries; that the Reserve Police kicked them with their boots and beat them with their clubs and used very abusive language to them; that the Congress flag and khaddar caps were burnt and that as a result of the assault and beating, they had severe injuries. It also mentions that Gowramma was assaulted that day. It will be noticed that nothing is said against the Excise Inspector. Most of the charges are against the Reserve Police and even they have not been made out, but as I have observed, I do not want to place any reliance on Exhibit 49 for the reasons I have already mentioned.

There is one other incident which is alleged to have taken place on the 10th to which I might briefly refer. It is alleged that one Gowramma was mishandled by the police and that she was by force thrust into a room. She is stated to be a resident of Chilangi. She owns no lands, and possesses no property except a small thatched house at Chilangi where she ekes out her living by vending oil. Hulikunta Rao, Witness No. 57, who

Hiriyur is the only other place in this district in which the satyagrahis are alleged to have been subjected to cruelty by the police. Some satyagraha prisoners who had been convicted of offences connected with the satyagraha activities in that Taluk presented a petition to the First Member of Council at Bangalore on the 22nd December complaining of bad treatment when they were in police custody at Hiriyur. The main allegations in that petition are that 45 persons were confined in one small room and were not allowed to go out to answer calls of nature; they were abused in vulgar language and subjected to various hardships; they were promised jobs if they offerred apologies and that, if they were given an opportunity, they would prove the excesses committed by the police. They also prayed for an enquiry. The signatories to Exhibit I are N.Julappa, V.Krishna Murthy, H.Doddanna, Rangappa, H.Dastagiri Sab, Kasim Sab, N.Ugriah, P.Dasanna, Lakkanna and C.Rangiah. Doddanna was examined in the Central Jail, and while admitting that he had signed this petition, he refused to make a statement. He stated, "I was asked by xx our leader Mr.Dasappa to give a petition stating the suffering to which we were subjected. I therefore gave a petition to Mr. Madhava Rao. Since our Congress President has not asked me to give my statement now I am not prepared to give my

statement nor am I prepared to answer any question. Exhibit I (a) is my signature. I am not also prepared to state to what ill-treatment I was subjected by the police." I may say the prisoner refused to sign the statement he made before me. Dastagir Sab, Kasim Sab, Dasappa, C. Rangiah and Rangappa who have also signed this petition and who are undergoing their sentence in the Central Jail also refused to make any ~~xtxx~~ statements in support of their allegations in Exhibit I. Kasim Sab expressly said that he was not willing to say anything in connection with the petition presented by him and his friends to the Councillor. Rangappa when asked:"Were you ill-treated by the police", stated, "I am not prepared to answer the question." Ugrappa and Lakkanna of Kasturirangappana Halli who seem to have also signed this petition refused to accept notices for their appearance before me in order to give evidence in support of their complaints. Krishna Murthy and Julappa who are also signatories to that complaint were examined by me in the Jail. With respect to the abusive language used Julappa only said "Except the fact that the police were giving only one meal a day we had no other grievance against police. Police were not abusing us and assaulting us." ~~and~~ When confronted with the allegations in the petition regard-

regarding the abusive language used he said, "What the police were saying was, 'These sons of whores do not know how to weep if they are beaten' These fellows want Swaraj!!' This abusive language they were using." Its effect is that the police expressed surprise that these ignorant fellows were demanding Swaraj. ~~The only offensive expression would be that they were referred to as sons of whores, but that was not applied to any one in particular and~~ If that is all the abusive language used, it shows very clearly what an exaggerated statement has been made in Exhibit I. Julappa's only complaint was that only one meal was given a day. He stated that 8 persons had been detained in a room which had sleeping accommodation only for 4. He admitted that there was a room adjoining the one in which they had been detained which was vacant. If there was not sufficient accommodation for all of them in one room it is unlikely some of them would not have been kept in the adjacent room which was vacant. His own evidence is that some other satyagraha prisoners had been housed in the town police lock-up which is in the Taluk Office buidling while the one in which he was detained was inside the town. The evidence of the police officer is that there was ample accommodation for all of them; that two rooms in

in the police station ~~were~~ had been utilised for housing these prisoners as also two rooms with a big hall and a verandah in the Sub Inspector's Office attached to the Taluk Office. Krishna Murthy has corroborated him in this respect. He is one of the signatories to Exhibit I and he has stated that his batch was kept in what may be called the Kasba Police Lock-up which forms a portion of the Taluk Office building. He says that in a room which can take only 8, 16 were kept. He has admitted that a few prisoners were detained in another portion of the same building. The allegation in Exhibit I that 45 persons had been put in one small room is, on the admissions of this witness himself, a false statement, his present statement being that 16 ~~he~~ had been put in one room. A gross exaggeration indeed! It appears he was cooking food for all the satyagraha prisoners then at Hiriyur; the kitchen was 60' away from the lock-up; it was in an open place and that these prisoners were moving to the kitchen to have their meal. He has admitted that he and his fellow prisoners complained to the Amildar that the accommodation was very insufficient, but that he did not complain ~~to him~~ that proper and adequate food was not given. When asked why he complained about insufficient accommodation and not about improper and insufficient food, he said that it did not strike him or his fellow prisoners to make such a complaint to the Amildar. His evidence is that they were given provisions for one

one meal a day and that the food prepared did not enable them to have even one full meal a day, and that is contradicted by Julappa, to whose evidence I have referred, who has said that they were having a full meal but only once a day. There is however positive testimony that the allegations made in Exhibit I are not true. We have the evidence of Hussein Sab, Witness No.68, who has given evidence that he was one of those arrested with Ugrappa; that the persons arrested in connection with the satyagraha activities at Kasturirangappana Halli were for some days in police custody at Hiriyur; that they were comfortably housed and were given good and adequate food and that he was one of the 19 persons who went to cut date trees and were arrested. According to him, Ugrappa was also one of the 19 persons so arrested; they were brought on arrest to Hiriyur and detained in the police station in two rooms; and that Ugrappa was with him in the room in which he was detained. He has also stated that provisions were supplied by the police; that some of the prisoners used to prepare food and that they were having two meals a day; that they were all moving very freely and that the allegations that Ugrappa was given only one meal a day and that he was not allowed to go out to answer calls of nature are false. This witness apologised to the Amildar and his uncle stood surety for him and he was released. The evidence of this witness

is very important as he was one of those arrested and detained in police custody for some days until his release. His evidence is in material respects supported by his uncle Budan Sab (Witness No.69) who according to Hussein Sab (Witness No.68) stood surety for him. He has given evidence that the previous witness and another nephew of his, viz., Peer Sab had been arrested in connection with the forest satyagraha and had been detained in the Hiriyur police station; he went there on two or three occasions to see his nephews and was permitted to see them and talk to them freely and that he had also met Ugrappa and two others and talked to them. He has stated that they did not complain of bad and inadequate food; that they did not also mention that they had no facilities for answering calls of nature and that he saw them moving freely from the kitchen to the rooms without restraint. According to him he asked his nephews if they wanted any food to be sent to them as they were in police custody but that they told him that they were being fed properly and that they did not need any food from ~~them~~ him. He was emphatic and ~~has~~ stated that if Ugrappa has stated that he was not given proper food and he had no facilities to answer calls of **nature**, it is an absolute falsehood. It appears that after his nephews apologised and were let off on his executing a surety bond, the Congress workers began to harrass him saying that he had brought

brought the Congress to disrepute and that he had appeal to the District Authorities for relief. In that connection he seems to have presented several petitions of which Exhibit 45 is one, and he has also stated that when Mr. Desai visited Kasturirangappana-Halli he represented these facts to him but was unable to obtain any relief.

Coming to official witnesses in connection with the incidents at Kasturirangappana Halli we have the evidence of Police Inspector, Mr. Nageswara Rao Scindia, (Witness No.71) that besides the two rooms in Kasaba Police Station which is in charge of the Police Sub Inspector, a big hall and a verandah were utilised for housing these prisoners and that a room and a small hall in his building were also utilised for that purpose. According to his evidence which remains uncontradicted, 12 persons could conveniently be housed in the room and hall in his building and that about 40 in the portions utilised for this purpose in the other building attached to the Taluk Office which I have mentioned. The highest number according to him in police custody on any day was not more than 39 and he has stated that under his directions the Sub Inspector was giving provisions as the satyagraha prisoners preferred to cook their own meal. According to him butter milk was given in the day time.

brought the Congress to disrepute and that he had to appeal to the District Authorities for relief. In that connection he seems to have presented several petitions of which Exhibit 45 is one, and he has also stated that when Mr. Desai visited Kasturirangappana-Halli he represented these facts to him but was unable to obtain any relief.

Coming to official witnesses in connection with the incidents at Kasturirangappana Halli we have the evidence of Police Inspector, Mr. Nageswara Rao Scindia, (Witness No.71) that besides the two rooms in Kasaba Police Station which is in charge of the Police Sub Inspector, a big hall and a verandah were utilised for housing these prisoners and that a room and a small hall in his building were also utilised for that purpose. According to his evidence which remains uncontradicted, 12 persons could conveniently be housed in the room and hall in his building and that about 40 in the portions utilised for this purpose in the other building attached to the Taluk Office which I have mentioned. The highest number according to him in police custody on any day was not more than 39 and he has stated that under his directions the Sub Inspector was giving provisions as the satyagraha prisoners preferred to cook their own meal. According to him butter milk was given in the day time.

Hussein Sab has however stated that butter milk was not being given to the prisoners. The Police Inspector has stated that it was difficult to get butter milk in sufficient quantities and so it was only given to some. It is difficult to say that butter milk was being given to any of the prisoners as Hussein Sab has stated that no butter milk was supplied. But Hussein Sab has admitted that good and adequate food was being given. It is admitted that provisions were given to the satyagraha prisoners and that one of them used to cook for all of them and that the satyagraha prisoners were partaking of the food so prepared. The official witnesses have stated that the provisions were given in adequate quantity and that is in a large measure corroborated by the evidence of Hussein Sab, Witness No. 68, who was a co-prisoner with them, that the food supplied was satisfactory and that they were having two meals a day and there is also the evidence of Budan Sab, Witness No.69, the former's uncle, who has stated that his nephews were in custody and that they were properly fed and that when he met and talked with Ugrappa and a few others, he was told that they were fed properly. This contradicts to some extent the evidence of Krishnamurthy and Julappa who were signatories to Exhibit 1. Their evidence is that food for all of them was prepared by Krishna Murthy

~~Murthy~~ and that they were having one meal a day while Krishna Murthy says that out of the food prepared from the provisions given by the police all the prisoners could not have one full meal a day. Julappa does not go so far. He only says that the food given was of an indifferent sort and they could not eat properly. As I have pointed out in another connection Krishna Murthy and his comrades, the very next day after they were arrested, made a complaint to the Amildar that they did not have sufficient accommodation but he has admitted that he did not complain to him of improper or inadequate food. When asked why he omitted to do that, he stated that it did not occur to him that he should complain of bad food. More than accommodation, food was important, and it is unlikely that by oversight he failed to complain to the Amildar of bad food. I have however a suspicion that Hiriyur being an out of the way place and as food was not supplied to the prisoners by hotel keepers as in other places their complaints are not altogether unfounded. The subordinate police officers at Hiriyur who were only supplying provisions to enable the prisoners to cook their own meal may not have given sufficient attention to see that provisions were supplied in adequate quantity and it is also possible that the arrangements made were not properly supervised by the

the higher authorities, but as there is a contradiction between the evidence of Julappa and Krishna Murthy on the point and as the evidence of witnesses No.68 and 69 contradicts their evidence it is difficult to give a definite finding that adequate arrangements had not been made for feeding the satyagraha prisoners.

With regard to the allegation that some inducement was held out that they would be appointed as police constables if they offerred apologies, the Police Inspector has stated that after their release by the Magistrate he recommended them to the District Superintendent of Police and got Anjaneya and Hanumappa appointed as police constables temporarily. They were arrested on the 16th and were released ~~and 10 tendered~~ on tendering apology on the 21st and the Police Inspector has stated that within 3 or 4 days after their release, the District Superintendent of Police appointed them as police constables. The evidence of the District Superintendent of Police and the Inspector show that ~~some persons~~ on the day on which these were released some persons were being selected to serve temporarily as police constables; that as they were found fit, on the recommendation of the Police Inspector, the District Superintendent of Police took them as temporary police constables. But one of them could not get a certificate of physical fitness and was therefore discharged and that the other, according to the District Superintendent of Police, resigned his job on account of domestic troubles. In

In the absence of any statement either by Anjaneya or by Hanumappa, it is difficult to hold that they were induced to apologise by holding out these promises. Anjaneya and Hanumappa have not appeared before me and given any evidence that they were induced to apologise. The position therefore is that there is no evidence in support of the allegations that were made in Exhibit I.

KOLAR DISTRICT.

In Kolar District the only places where excesses are alleged to have been committed by the police are Kolar Gold Fields and Bowringpet and these accusations were mostly made by satyagraha volunteers in public speeches they are reported to have delivered in the compound of Rangacharlu Memorial Hall at Mysore. In discussing the incidents that are alleged to have happened at Devanahalli I have found that the satyagrahis were not assaulted or ill-treated at Bowringpet.

Coming now to Kolar Gold Fields I have referred, in discussing the Devanahalli incidents, to Gangadhariah, one of the volunteers connected with the satyagraha activities at Kolar Gold Fields. His allegation in a speech he made at Mysore was that when he went there to offer satyagraha he was asked to remove his clothes and lie down on the ground and that a Mahomedan was asked to commit an unnatural offence on him. As I have already mentioned, Gangadhariah has failed to appear before me and establish the charges he made in that speech. Chiknarasimhiah's evidence to which I have already referred and which is, in my opinion, entitled to be believed for reasons already given, shows that these allegations are all false. He has stated, that he was one of Gangadhariah's batch; that Gangadhariah was asked to remove his clothing and when he refused to do so, he was given four or five blows, whereupon he removed his clothing with the exception of

his knickers; that the other volunteers when asked, immediately removed their clothing and that for about two hours they were all only in their knickers. When further questioned, he said that he did not actually see the assault on Gangadhariah, but that Gangadhariah told him that he had been beaten and that therefore the others, without protest, removed their clothes when asked to do so. Chiknarasimhaiya has made the variation above pointed out in his evidence. It may however be noticed that Gangadhariah himself has not stated in his speech that he was given any blows by the police. This shows that Chiknarasimhaiya's later version that he did not actually see Gangadhariah beaten is true. The evidence of the police witnesses is to the effect that Gangadhariah and his companions were not subjected to any ill-treatment at Kolar Gold Fields. It would therefore follow that the version of Gangadhariah is not true.

I may however mention in this connection that after he was convicted at Mysore, he submitted an apology to the District Magistrate, Mysore, on 27th October 1939, regretting his conduct, but that apology was not accepted and he was not released. It appears that he was thereafter transferred to serve out his sentence in the Tirthahalli Jail. On 18th December 1939, he and one Boriah, another convict, submitted an abject apology praying for release. The Government Order in this connection shows that their apology was accepted and they

were released. In the apology tendered, it is mentioned that Gangadhariah had some domestic quarrels; that he was persuaded by one Muguvalappa to take part in the satyagraha activities; that after they were both sent to the Shimoga Jail on conviction, they had got an apology written up which was however not submitted to the authorities as the political leaders there forced them not to do so, and that as they were sorry for what they did, their apology might be accepted and they might be released. He is one of the persons who in his speech abovementioned complained that apologies had been taken by force from some of the volunteers. Such a person has submitted not one but two apologies showing how many of these persons feel, once they get into jail, and this is an effective answer to the complaint he made that apologies were taken by force.

One C.N.Venkatappa, in a speech he made at Mysore on the 26th October, stated "Yesterday four volunteers observed satyagraha at Kolar Gold Fields. One of them was a small boy of 9 years. He was taken to a separate room. Four police officers kicked him with their boots and legs as though he was a foot-ball. Then they stripped him of his clothes. Apart from this, they poured urine in his mouth". This Venkatappa does not say he was one of those volunteers and does not even give the name of the young body who was said to have been treated so brutally by

the police. Why, when the adults were not assaulted, this young boy of 9 was selected for such a punishment is difficult to understand. That urine was thought of for being poured down the throats of satyagraha volunteers by the Kolar Gold Fields Police has not been seriously urged by anybody else. Venkatappa himself refused to make a statement when summoned to give evidence before me. This story has not been established by any evidence on record.

Venkataramanappa, in his speech at Mysore on the 31st October 1939 said "We were taken to the police station where we were beaten and kicked. Besides, we were abused in a most vulgar tone". He is stated to be a man of no substance and was a cooly.

On 31st October 1939, Boriah is reported to have said "We were arrested and kept in the police lock-up; the police gave us blows with the help of their shoes; when we asked for food, they did not give us." There has been no corroboration of this story either. This seems to be the person who along with Gangadhariah above-mentioned, tendered apology on the 18th December 1939 and was released.

Pulliah, in a speech he made in the compound of the Rangacharlu Memorial Hall at Mysore on 10th November 1939 is reported to have stated "Urine, etc., were poured into our mouth. As the same did not go into our stomach, they beat us on the back. Then we had to swallow the same..

Hosalappa is reported to have stated at the same place on 2nd November 1939 that at Kolar Gold Fields the Police Inspector, Mr.Jogoji, 'kicked him with his boot at 12 of the clock in the night'.

The persons above-mentioned have not themselves appeared before me to support the statements they are reported to have made at Mysore and no other witness has given evidence in corroboration of their stories.

Srikantiah, Witness No.87, has given evidence that his batch was assaulted and subjected to ill-treatment at Kolar Gold Fields when they were arrested in connection with their satyagraha activities. His evidence is that four or five C.I.D.people surrounded each of them and beat them with their fists and kicked them with their boots and that this process continued for about an hour; that he received 10 or 15 kicks and the others 10 or 12 blows or kicks. The Register shows that a certain Srikantiah whose father's name was Nanjappa was the person arrested in connection with these activities. But when this man (Srikantiah) came before me, he said that his father's name was Venkatappa and when confronted with the name in the register he said that his father has an alias Nanjappa. It was only after seeing the entry in the register that he said that his father was also known as Venkatappa. He stated that he joined the Congress as he could thereby find his living and also serve the country.

The reason he gave for giving evidence before me is as follows:-

"Ramalingachari told me that if I did not appear and give evidence in this enquiry, I would be arrested and taken to jail; and that for the recovery of the fine that has been imposed on me, some attachment may be effected in future. He also told me that if I now give evidence, it would be sent to Mahatmaji and that it would do good. And it is for this reason that I have voluntarily come to give evidence today."

He has stated that he was given two or three blows by a detective. None of the four persons who is said to have been with him has corroborated his story. It is significant that he has admitted that he made no complaint to anybody in this connection. He has however admitted that he executed Exhibit No.60 - apology tendered by him and his batch. In the absence of any corroboration of his story, it is difficult to hold that it is true.

These are main charges of assault and excesses made against the police at Kolar Gold Fields. It is only Srikantiah that has given evidence before me. Ample opportunities were given to the others to present their evidence before me and attempts were made to secure their presence. They have however absented themselves and have not tried to establish the truth of the statements they openly made at public meetings.

The evidence of official witnesses is that the satyagraha prisoners were not subjected to any ill-treatment

while in custody. The Special Superintendent of Police who has been examined in the case stated that he was constantly going about to visit these prisoners; that none of the satyagraha prisoners made any complaints to him that they were assaulted or ill-treated by the police. The evidence of Messrs. K.M.Puttaswami (Witness No.78) Venkatasamappa (Witness No.79) B.V.Srinivasiah (Witness No.90) who have all taken active part in offering satyagraha at Kolar Gold Fields and some of whom have been convicted of offences connected with satyagraha activities either there or at Mysore and whose evidence will be discussed in detail later have clearly stated that their batches were not ill-treated or assaulted by the police at Kolar Gold Fields.

My conclusion therefore is that the charge of excesses by the police at the Kolar Gold Fields has not been made out.

VI.

FOOD AND ACCOMMODATION.

I shall now deal with the complaint that the satyagrahis were not given proper food and accommodation. It may be convenient to deal with Kolar Gold Fields first as some portions of the evidence ~~the present discussion is in a way connected with what has been~~ discussed in the previous has a bearing also on this question. section. As regards this place, it has also been alleged that some volunteers who offered satyagraha were taken and left at distant places and in some cases in the midst of forests at dead of night and this allegation may also be now considered. were thus exposed to much hardship. Some of the volunteers who have been undergoing imprisonment have also given evidence on this point.

K.M. Puttaswami, Witness No. 78, has stated that on the 2nd of October, he and four others were taken into custody at Kolar Gold Fields for attempting to disobey the orders of the District Magistrate and were left within 2½ miles of Ramasamudram. He has however admitted that two tyres burst before they reached Mulbagal and that it was 12 o'clock in the night by the time they could be repaired. Within a short distance beyond Mulbagah, two tyres burst again with the result that they were left near Ramasamudram at 3 a.m. It was unfortunate that on account of these accidents which could not be

anticipated

anticipated, they were left at Ramasamudram at that inconvenient hour. It appears he again offered satyagraha on his return from Ramasamudram and was arrested and convicted. He has admitted that on both the occasions he and his batch were not assaulted or ill-treated by the police. He has however stated that on the 2nd of October, one meal was brought and served for five of them and it does not appear that he made any complaint about it to any of the police officers.

G.V. Venkataswamappa, Witness No. 79, another volunteer, has said that he was arrested along with eight others at 9.30 a.m., on the 5th of September; that at 5.30 p.m., they were taken in a bus and left at about 10 p.m., at the frontier between Mysore and Chittoor. He said that at 1 p.m., four meals were brought and served to all of them; that the food was brought in two tiffin-carriers and he estimated that they contained four meals; that one of them asked for more rice which was not given and the others did not ask for more rice and that they did not complain to any higher officers. It appears they returned from where they were left to offer satyagraha at Kolar Gold Fields, as a result of which they were arrested and convicted. This witness also admitted that neither on that occasion nor on the previous occasion were the volunteers of which he was one

ill-treated or assaulted by the police. These two witnesses do not say that the prisoners were not housed properly. It is possible that in the confusion caused by a sudden rush of volunteers, proper attention was not given by the authorities, in spite of the supervision of the Special Superintendent of Police, to the food given to these volunteers. About this, I have a word to say later.

Munivenkatappa, Witness No. 85, Secretary of the Kolar Taluk Indian Congress Committee and a member of the Working Committee of the Mysore State Congress Committee, Kolar Taluk, has stated that he was meeting satyagraha volunteers constantly and that he met a batch of them coming from Punganur forest who said that they had just come back from Punganur forest; that their only complaint was that they were left in a lonely place, and when questioned they told him that they were not beaten or ill-treated by the police; that they were given rice and dhall water when they were arrested but that they were given no food before they were taken away from the Kolar Gold Fields at 6 p.m.

Srikantiah, Witness No. 87, to whose evidence I have already referred in another connection, has stated that he is a member of the Congress and that he offered

satyagraha

satyagraha at Kolar Gold Fields; that after he and his comrades executed a mutchalika tendering apology, Exhibit No. 60, they were taken by a train from the Kolar Gold Fields at 2 p.m,, and were left at Whitefield at about 5 p.m., that they were given good meals before they left the Fields. It may be noticed that this witness was convicted for disobeying an order - under Section 144 of the Criminal Procedure Code at Mysore and has served out his sentence.

We have next the evidence of Ramalingachari who has stated that he is a member of the Mysore Congress, the Indian National Congress, and a member of the Kolar Taluk Congress Committee ~~to the effect~~ that he visited Kolar Gold Fields on the 20th of September and ~~xx~~ - stayed there on the next day also; that on the first day he saw a batch of volunteers headed by Venkataswamy being taken away in a bus; that he learnt later that they were left at Rayalpad or Bidadi; that on the same evening he met another batch of volunteers in the - police station to whom a hotelman was serving meals; that he talked to them and they said that they had good accommodation and were given food and that their only complaint was that they had no proper bedding; that on the next day he met another batch of volunteers which came from Kolar side of whom seven or eight he knew intimately; that they were given food at 12 noon

after

after they were arrested and before they were produced before the court for the offence committed and that they were convicted and then sent on to Bangalore.

In this connection, I might also refer to the evidence of B.V. Srinivasiah, Witness No. 90, who - offered satyagraha at Kolar Gold Fields on two occasions. On the first occasion, he was taken away and left near Nangli along with his other comrades who were left at a distance of three or four miles from each other on the same road and on the second occasion as they offered satyagraha after their return from Nangli, they were arrested and convicted and removed to the Central Jail, Bangalore. He has stated that he and his comrades were not ill-treated by the police. He also admits that on the second occasion they were arrested, they were given good food at 11 a.m., and produced before the court which convicted them, and that on their removal to Bangalore they had their food in the Jail in the night. This witness does not also complain of insufficient accommodation or improper or inadequate food. It is therefore clear even from the evidence of these Congress workers that at Kolar Gold Fields, fairly good attention had been paid to the housing and feeding of those arrested in connection with the satyagraha activities.

I shall now consider the evidence of Chik-

narasimhaiya

Chiknarasimhaiya, Witness No. 13, who along with Gangadhariah was sent away on the morning of the 14th of October to Devanhalli which they reached at 4 p.m. He has stated that they were given no food before leaving Kolar Gold Fields; that on alighting at the Devanhalli railway station they were given some guavas by the constable who was escorting them; and that three of them were taken to Vodigenahalli which they reached at 12 o' clock in the night where they were given some fried rice. It appears the next morning they were taken away to a village near Sidlaghatta and no food was given to them even then. The police officials who were in charge of this batch have stated that these persons were given food in the night; that the next morning they were taken to the railway station at about 8 and that no food was given to them before they were so taken to be sent to Devanhalli. The constable who escorted them to Devanhalli has stated that they were not given any food on the way. I have already mentioned that this witness, viz., Chiknarasimhaiya, gave evidence in a straight-forward manner. If from the 13th night till the midnight of the 14th, no food was given to these volunteers, it is ~~xk~~ a matter to be very much regretted and a matter which deserves notice. With respect to the batch consisting of Gavirangappa which was sent from ~~Kolar Gold Fields~~ Bowringpet on the 13th, there is evidence that they were given food before they were despatched from

from Bowringpet. The Police Inspector, Mr. M.P. Rama Rao, has spoken to it and Exhibit 73 shows that a sum of thirteen annas and six pies was paid to the hotel keeper at Bowringpet for meals supplied on the 13th, each meal costing one anna and six pies. This would account for nine meals and Mr. Rama Rao has explained that four volunteers of which Gavirangappa was one was given one meal each on the night of the 12th, and they and the constable who escorted them to Devanhalli on the morning of the 13th, one meal each. There is no such evidence with regard to the batch consisting of Gangadhariah and Chiknarasimhaiya. When Mr. N. Puttarangaswami, Special Superintendent of Police, Kolar Gold Fields, was in the box, I drew his attention to this statement of Chiknarasimhaiya and he frankly admitted that if no arrangement had been made for their food on the 14th, it was certainly a mistake and wanted time to verify and explain the position. When he was later examined, he said "on the 14th as it did not strike me that the train was reaching Devanhalli at 4 p.m., I did not make any arrangements for feeding them. If they had been escorted by an officer, he could have arranged for their feeding, but unfortunately that day only two constables escorted the prisoners to Devanhalli and that was a mistake and was due to over-sight. It must be conceded that this is a serious omission and ~~it is possible~~ might lead to the presumption that such mistakes

mistakes ~~did~~ might have occurred on some other occasions as well, but in the absence of any specific statement to that effect, it is difficult for me to definitely find out whether such mistakes were fairly common. Mr. Puttarangaswamy has however said that he had made adequate arrangements and that he was supervising the work done by the subordinates in this connection fairly constantly.

With respect to the accommodation available at Kolar Gold Fields, Mr. Puttarangaswami has stated that there was sufficient accommodation for all the prisoners detained there as the detective office building had also been improvised for the occasion. He has also stated that as many as 101 persons were arrested on the 24th of September and that they were charge-sheeted only on the next day as the 24th happened to be a Sunday. This was an unusually large number. He had the Jamadars' quarters vacated and utilised them for housing some of these prisoners. In order to clearly explain what accommodation had been reserved for housing these prisoners he has filed two Exhibits, Nos.66 and 67. With regard to Exhibit 66, he has stated that the two halls shown therein could easily accommodate 30 persons; that on no day there were more than 30 persons except on the 24th September on

on which day however there seem to have been over 100 persons. Exhibit 67 shows the Jamadar's quarters which was utilised for the purpose and he has stated that another building of the same type had also been taken was also another building similar to the one in Exhibit 66 for housing this very large number of satyagrahis. If so many buildings were at the disposal of the police, one may reasonably come to the conclusion that these prisoners were not subjected to undue hardship for want of accommodation. It is quite possible that on account of this unexpectedly large rush of prisoners on the 24th, the authorities concerned in their embarrassment did not at once house them properly and thus exposed them to some discomfort, but that must have been only for a short time as a number of buildings were secured for the purpose without delay.

There is one other matter with respect to Kolar Gold Fields that remains to be considered. It was alleged that a number of these satyagraha prisoners were detained in the police custody and left in out of the way places and at times in forests. I have already referred to the evidence of some witnesses who say that some volunteers were left near Rayalpad forest, some near the Magadi forest and some others near the Bidadi forest. In additiona, I might refer

refer to the evidence of Venkatasubba Rao, Jamadar, Oorgaum Police Station, (Witness No.18) who says that 10 volunteers were left near Bidadi on the 10th of September and to the evidence of Karambiah, Duffedar, Detective Department, (Witness No.19) who says that 9 volunteers were left on the 8th of September in ~~the~~ Magadi Town and that some volunteers were left near Rayalpad on the 2nd of September. It is suggested that these volunteers were left at different places according to the instructions of the Special Superintendent of Police. It was mentioned by this Officer that with respect to each batch the Police used to ascertain to which place the majority of them belonged and they used to be left somewhere near such places. The two batches ~~who~~ that were left near Rayalpad or Ramasamudram found their way back to the Kolar Gold Fields within a few days to offer satyagraha again. It is difficult to suggest in these circumstances that they were subjected to any undue hardship. The attention of the Special Superintendent of Police was pointedly drawn to one batch of volunteers consisting of B.V. Srinivasiah and others who, it was alleged, were left 11 miles beyond Nangli, which is about 28 miles from Kolar Gold Fields. Exhibits 74 and 75 show that these volunteers were left near Nangli village and not on the road each at a distance of 3 or 4 miles from the other. It was pointed out to Mr. Puttaranga Swami

Mr. Puttarangaswami that these prisoners did not belong to any village in that road but that they belonged to Bangalore which is situated in a different direction altogether. Mr. Puttarangaswami has explained that the batch consisted of only 6 persons and that they found it very expensive to send them by a special bus to Bangalore and therefore sent them on to Nangli. In order to explain why it was not possible to leave them about the same distance in the direction of Bangalore, he mentioned that he did not want them to pass through Bowringpet to avoid a demonstration and that that was an additional reason why they were sent to Nangli. I am not quite satisfied that these were sound reasons for leaving them near Nangli while all members of that batch belonged to Bangalore. The Special Superintendent of Police has stated that the satyagraha volunteers were from time to time sent to different places such as Rayalpad, Magadi, Bidadi, etc., and in many cases the volunteers found their way back to Kolar Gold Fields. It is not relevant to decide whether the principle adopted in sending them to different places was sound. If the volunteers were left in out-of-the way places ~~and~~ it must be conceded that is highly objectionable provided they had no means to engage suitable conveyances for getting back to their places. But as a majority of them did easily find their way back to Kolar Gold Fields and that, within a short time, it cannot be said

said they were subjected to any undue hardship. The object of taking them away and leaving them at distant places was to see that they did not remain at Kolar Gold Fields to take part in the agitation, and not to extort apologies from them. I need not therefore discuss this aspect of the case further.

I now propose to discuss if the satyagraha volunteers were subjected to hardship for want of sufficient accommodation at Sagar and whether they were not given proper and adequate food. The most important evidence in this connection is that of Mr. A. Narasimha Iyengar, an old and respectable citizen of Sagar. He was a legal practitioner at Sagar for over 40 years. He was a member of the Representative Assembly for 18 years and was Vice President of the Sagar Municipality for 10 years and was a nominated non-official President of that body for about 4 years. His evidence is that in October last, one or two days after Melur Veerabhadrappa was arrested, which, other evidence shows, was the 18th or 19th of October, 4 or 5 merchants of Sagar came to him and complained that some persons who had been arrested were not fed properly and were subjected to hardship. He went to the Police Station with them, had a talk with the Inspector and made enquiries about the arrangements made for supplying food to those persons. He sent for the hotel keeper who was stated to have been

supplying

supplying food and ascertained from him that proper food was being given to those persons. He further stated that he saw the accounts which were produced by the hotel keeper and was satisfied that all the persons in custody were being supplied with food regularly. He also states that by this time a large number of persons gathered at the station and those who complained to him were unable to point out any persons who had really any such complaint. His evidence is certainly very valuable and he has added, "I was convinced after the enquiries we made that the complaints made to me were baseless and my friends were also similarly satisfied. I might mention that one of the persons who first sought my help expressed that in making enquiries ourselves in the matter we did a good thing as they would have made fools of themselves if instead of going to the spot they had approached the higher authorities with such false complaints."

Witness No.27, Thammayya, who keeps a hotel at Sagar has given evidence that he supplied meals to the prisoners from 9-10-1939 to 31-10-1939; that some of them were in Sandalkoti, some in Taluk Office and some in the Police Station. He has stated that he sent in all 849 meals and presented a bill on 5-11-39 for what he had supplied to the prisoners. Exhibit 14, is the duplicate of the bill he presented

to the

to the Police Inspector.

I might say here a word about the accommodation at Sagar. Mr. Hanumantha Rao, Police Inspector, Sagar, has given details of the persons arrested from time to time at Sagar. He has stated that besides the police station, the Magisterial Lock-up was utilised for housing these prisoners and that when the accommodation in those two buildings was found to be insufficient, permission was taken to utilise a big hall and two rooms in the Sandalkoti for housing them. His evidence further is that 16 persons could be comfortably lodged in the Magisterial Lock-up and 2 in the police station and that 80 could be comfortably lodged in the Sandalkoti premises which had been taken possession of for the purpose. Mr. Somappa, ~~the~~ District Superintendent of Police, has stated that the portions in the Sandalkoti which had been taken over by the police at Sagar could easily accommodate about 70 persons and that was utilised in addition to the Magisterial Lock-ups and the police station for accommodating the satyagraha prisoners and that there was no overcrowding at Sagar at any time and it appears that the highest number of satyagraha prisoners on any day there was not more than 66. The Police Inspector has also stated that each person in custody was given two meals a day in adequate quantity. Koti, Witness No.28, Bangarappa, Witness No.37 and Dyavappa, Witness No.38 who offered satyagraha

have themselves stated that they were fed properly while in custody. The evidence above-mentioned stands uncontradicted.

I shall now pass on to Shimoga Town. Four buildings in Shimoga Town, according to the evidence of the District Superintendent of Police, had been taken over for housing these satyagraha prisoners. These are two Police Stations at Shimoga called the Town Police Station and the Kasaba Police Station which could conveniently accommodate 12 and 8 persons respectively, the armoury building or the premises which had been occupied by the Provincial Reserve Police which could accommodate about 24 persons easily and the Inspector's Office which could accommodate 20 persons. He has further stated that 22 was the highest number of prisoners kept in the armoury at any time. This is in the main supported by other reliable evidence. I might refer to the evidence of Mr.Srikantiah to which I have already referred. Mr.Srikantiah is a non-official gentleman who holds a high place in society, being the Vice President and some time Chairman of the Bench of Magistrates. Referring to the armoury building, he has stated that it is a spacious building with a large compound and a small garden; that the military had been stationed there till September last and it has good sanitary facilities. One other useful evidence in this connection is furnished by Exhibit 24, a sketch of this

accommodation they had was quite satisfactory and that the satyagraha prisoners were not housed and fed properly is absolutely false." His evidence further is that as some Congress members were making some complaints about insufficient accommodation and improper food, he went to the police station and on enquiry found that those complaints were baseless. As against this evidence which I do not see any reason to disbelieve, there is no evidence which shows that these prisoners did not have sufficient accommodation. The evidence to which I have referred also shows that the prisoners were properly fed. I might here refer also to some further evidence on that point. Witness No. 32, Nagappiah, has stated that he was supplying meals to the prisoners kept in the armoury buildings and the taluk lock-ups according to the instructions of the Police Sub Inspector, and presented a bill for the food supplied which came up to Rs. 117-3-0. Exhibit 19 is a copy of the bill presented by him and he has stated that each person had two meals each day which costs two annas each. This exhibit also shows the details of the meals supplied.

Basaviah, Witness No. 33, is another person who was supplying meals to the prisoners. He is a Lingayat and was supplying food to people of his caste and perhaps such other prisoners as had no objection to take

take food at his hands. He has stated that he supplied 40 to 50 meals in all consisting of good and wholesome food and that the prisoners were satisfied with the meals he supplied. The accounts he maintained were not produced as his uncle who is stated to be in charge of the accounts was away at the time he was examined.

Witness No.35, Narayana Rao, Manager, Krishna Bhavan Hotel, Shimoga, has given evidence that he was supplying lunch and coffee to the prisoners according to the instructions of the Police Inspector for 10 days. He also stated that these were supplied only to some of the prisoners. Some of the satyagrahis who had taken active part in forest satyagraha have themselves said they were fed properly while in custody. (See evidence of Manjappa and Kariappa (Witnesses Nos. 26 and 30).

Coming to Chennagiri, there is no complaint worth mentioning that the prisoners there were not given proper food. As regards accommodation, the evidence of the Amildar is that these persons were housed in the police station as well as in the Magisterial Lock-up which had been taken over for this purpose as the police station was not sufficient to accommodate all the persons arrested. According to him, the police station could conveniently accommodate 8 or 10

8 or 10 persons and the Magisterial Lock-up more than 10 persons. His evidence shows that on no day more than 15 prisoners were in custody. The Sub Inspector of Police, Mr. Mahomed Dastagiri, (Witness No.48) has stated that not more than 13 persons were in custody on any day at Chennagiri. He has also said that during their detention there, they were fed properly; that he was making constant enquiries and no prisoner made any complaint either as regards food or accommodation, or against the police. It may also be mentioned that there is no evidence to the contrary.

Ample evidence on this point compels me to the conclusion that the charges made against the police of Shimoga District that satyagraha prisoners were provided with insufficient accommodation and inadequate or improper food are not well-founded.

In the Chitaldrug District, the only three places which are relevant for this enquiry are: (i) Chitaldrug Town, (ii) Kolahalu, and (iii) Hiriyur. At Kolahalu, the prisoners arrested were detained only for a very short time awaiting convenient conveyances to be despatched to Chitaldrug. The question of accommodation and food there does not therefore arise. At Chitaldrug, for want of accommodation in the police

was visiting the various centres in the district where satyagraha prisoners had been kept, supervising the arrangements made for their comforts and that he was satisfied generally with the arrangements that had been made. There are no reasons to disbelieve the above evidence. At Hiriyur the position was perhaps not so satisfactory and that I have already considered in another connection.

APOLOGIES.

Bangalore District:- It is alleged that in several places the political prisoners were tortured so that they might offer apologies to the authorities concerned. The only case in Bangalore in which any such serious complaint was made is that of Kenga and his three companions whose case has been dealt with in another connection. It may be interesting to notice that since October last, 139 such prisoners tendered apologies and were released. The incident connected with Kenga is stated to have occurred on 8th December 1939. Since then as the Superintendent of the Central Jail, Mr.Abdulla Hussein Sheriff, Witness No.9 has stated, 54 persons have tendered apologies. None of those has come forward to depose that he and his comrades were subjected to any torture in order to extract apologies. It is clear from the evidence which I shall discuss further that most of the persons who took part in the movement in the various parts of the State were ignorant people hard up for a living and that they took part in the satyagraha movement on account of the hopes held out to them that they would be fed properly; that the members of their families would be looked after during their absence, and that as a result of their going to jail, they would have relief in various ways.

that day the Revenue Commissioner was camping at Kolar and on his suggestion that the case may be favourably considered, the apology was however accepted and the fine remitted. According to his evidence, the Deputy Commissioner was reluctant to entertain any apology submitted to him and the suggestion that force or fraud was used to extract apologies cannot at all be believed.

It appears at Bowringpet, what was called the Congress house was searched and some persons were arrested or detained in custody. That day, a number of persons seemed to have approached the Deputy Commissioner and represented to him that they had no food or the means to get back to their places and made a request to him that they may be given food and sent away to their places at the expense of the Government. They went so far as to present a formal stamped petition which is Exhibit No.3. Exhibit Nos. 4 to 4(e) are the apologies executed by them and Exhibit Nos. 5 and 5(a) which are similar apologies executed by some of that batch have been written by some of their own men, Krishnamurthy and Srinivasa respectively.

V.N.Srikantiah, Clerk of the Deputy Commissioner's Office, Witness No.11, who has recorded some of these

statements has stated that they were voluntary; that no sort of force was used to the volunteers and he has also stated that the Deputy Commissioner asked the Police Inspector, Mr.Rama Rao, to give them food and despatch them to their respective places.

Mr.Srikantiah's evidence is in material respects corroborated by the evidence of Mr.A.Mahomed Rahimuddin, Witness No.12, Vice President of the Bowringpet Municipality, who is also the agent at Bowringpet for the Burma Shell Oil Company. He is an influential and important person in the place. He says he pays a kandayam of Rs.500/- to Government and income-tax to the extent of Rs.120/- per annum. At the request of the Deputy Commissioner, he was present when the Congress Office was searched. He has stated that about 20 volunteers, when they were told by the Deputy Commissioner that if they did not get back to their places they would be put in jail, said that they had no money for their return journey and on the Deputy Commissioner assuring them that they would be sent back at the expense of the Government, the volunteers apologised and promised not to do such things in future and gave an undertaking to that effect in writing and that no force or compulsion was used to them in this connection. He is obviously referring to the apologies to which

Mr. Srikantiah has referred.

We have then the statement of Chiknarasimhaiya who has already been referred to in connection with the Devanhalli incident. As I have already observed, he seems to be a truthful witness giving evidence in a very straightforward manner. That shows that his batch was not subjected to any torture.

Mr. M.P. Rama Rao, Inspector of Police, was present when the Congress House was searched and when the volunteers tendered their apology and he has corroborated Mr. Srikantiah's statement.

Exhibit No. 8 is an apology tendered by four volunteers headed by Gavirangappa whose case has already been discussed.

It is unnecessary to refer to the evidence of official witnesses in this connection. The Special Superintendent of Police has also stated that no force or violence was used to any of the volunteers in order to extract apologies. Though a very large number of volunteers have apologised, with the exception of Gavirangappa (Witness No. 86) and Srikantiah (Witness No. 87) none has given evidence that any apology was extorted from any satyagraha prisoner by committing torture or by the use of force. And in another connection, it has been found that Gavirangappa and Srikantiah are not truthful witnesses.

My conclusion therefore is that the apologies were all voluntary.

Shimoga District. - Taking up the Shimoga District, Exhibit No. 23, a tabular statement filed by Mr. U.K. Somappa, District Superintendent of Police, Shimoga, shows that in all 345 persons had been arrested in connection with political activities of whom 160 submitted apologies and 28 were released under Section 562 of the Criminal Procedure Code. Not one concerned with any of these apologies has come forward to support the vague allegations made that prisoners were assaulted or tortured in order that they might tender apologies. On the other hand, we have some reliable evidence that these accusations are altogether without foundation. To start with, I may refer to the evidence of Mr.C.Ramachandra Rao, Sub Division Officer, Sagar, Witness No. 24. According to his evidence, in October last, about 60 persons were on one day produced before him, of whom only 8 to 10 were aged more than 18 to 20; 40 were between 15 and 18 and the rest between 9 and 15 years of age. He has stated "I questioned them about their conduct. Some of them said that they did not know what Congress was and some of them said that they not know what satyagraha was. All of them said that they cut down bagani, sandal and teak trees at the instance of

Kagod Guruve Gowda

Kagod Guruve Gowda, Baradavalli Anne Gowda, Sydoor Channabasappa and Siravante Veerabhadrappa. Most of them were tenants of Kagod Guruve Gowda and Santappa Gowda, uncle of Veerabhadra Gowda and they said they had to obey their landlords as otherwise they would be deprived of their tenancy." He has also stated that when the above 60 persons appeared before him, some of them also stated that they had been told that if they were sent to jail they would be given food and other comforts; that most of them were Adikarnatakas and deevers who lived by cooly owning no lands themselves; that he was satisfied that their regret was sincere and ~~he~~ therefore recommended to the Deputy Commissioner that the proceedings against them might be dropped. It is difficult to suggest that Mr.Ramachandra Rao was hand and glove with the police and encouraged them to extort apologies in ~~the~~ objectionable ways.

There is also some evidence by persons who tendered apologies that they did so voluntarily and without any force by the police. It is unnecessary to refer to their evidence in detail, but it may be observed that Sivalingappa, Witness No.25, has stated that he was suffering from a serious ailment; that he sold away his cattle and other movables in order to have medical treatment; that he was without

any means and that Veerabasaviah told him that if he took part in the movement, he would be sent by the police to Shimoga where he would be given treatment free. But when he was brought before the Deputy Commissioner, he apologised as evidenced by Exhibit No.11 and he was released. He has stated in clear terms that the police used no force to him and his batch to get Exhibit No.11 from them. His evidence shows ~~how~~ that by misrepresentations some of these people were induced to take part in these activities.

Manjappa, Witness No.26, has stated that he and two others from his village were induced to take part in the movement as one Ramachandra Setty is stated to have represented to them that if they followed him, kandayam would be remitted and that the agriculturists would be given other facilities and that relying on his assurance they went to cut trees and that he and Rajiah Setty apologised to the Deputy Commissioner and executed Exhibit No.15 and were released. He has stated that he does not know what the Congress movement is about and that when they were in detention they were fed properly and were not ill-treated by the police.

Witness No.28 was a municipal sweeper at Sagar for some years. He was also induced to cut some trees and was arrested and was taken to Shimoga.

After five or six days' detention, he apologised and got back. He has stated that his batch was fed properly and housed properly while in custody. Exhibit No.12 is the application given by him and five others expressing regret and praying for release.

Subrahmanya alias Subbaraya, Witness No.29, has proved Exhibit No.13, the petition presented by him and his comrades to the Deputy Commissioner, offering apology . What he has stated therein is significant "I joined the party as some of my friends were in it and as they asked me to join it. I know nothing about Congress activities or the satyagraha movement. I do not know why toddy trees are cut by the Congress volunteers."

Kariappa, Witness No.30, has stated that Ramachandra Setty represented to him and his comrades on the 19th October that there were no persons to offer satyagraha that day and that if they followed him, they would have responsible government within 15 days and would be released from jail and that if they did not join the movement, the Congress would be put to shame, and that was why they went to cut down toddy trees as a result of which they were arrested and kept in the police lock-up at Shimoga; that after 4 days his comrades apologised; that he was influenced by Mr.Dasappa and others not to apologise

and was therefore convicted and sentenced to six months rigorous imprisonment; and that two months after his conviction he apologised to the Deputy Commissioner and got off. He has also stated that he has not taken any part in the Congress activities since then.

Mr.N.Srikantiah, Witness No.31, who as I have already pointed out in another connection is a very respectable and reliable non-official witness, has stated that he was present with the Deputy Commissioner on the 6th October last, when some volunteers tendered apologies to the Deputy Commissioner and that he was satisfied that these apologies were tendered voluntarily. He has been the Vice President of the Shimoga Municipality from June 1937 and was the Chairman of the Bench of Magistrates for two years. He has stated that the volunteers who so apologised to the Deputy Commissioner, stated that out of ignorance they hand joined the Congress agitation; and that they would not any more take part in it. He also speaks to Exhibits Nos.16 and 17 executed by them and also to 16(a) and 17(a) sworn statements recorded by the Deputy Commissioner. It appears they have not since taken any part in these movements.

He was also present, according to his evidence on another occasion, when 8 or 9 persons from Sagar

tendered apology to the Deputy Commissioner, representing that they were misled by Marur Veerabhadrappa and Mrithyunjaya Rao Bapat and gave an assurance that they would no longer take any part in it. Exhibit No.18 relates to these volunteers. Out of them only one was about 35 years of age; one 18 years of age and the rest below 13 years. He has also stated that he visited several places in Shimoga where political prisoners had been kept and that they were well-fed and well-housed and that they had no complaints to make.

It is interesting to note as deposed to by the Police Inspector, Sagar, that out of 126 persons arrested in the Sagar Taluk, so many as 80 were between the ages of 18 and 12, belonging mostly to Deevar caste, who possessed no lands, but were only tenants of Sivalingappa Gowda and K.G.Wodeyar.

In connection with this evidence I might mention the case of one Mahalingappa who presented a petition to me when I was recording the evidence of some prisoners in the Jail. Mr.Srikantiah has said that this man who had been convicted and was serving out his sentence of imprisonment in the Central Jail, Bangalore, tendered an apology on which he was released and that within a few days after his getting back to Shimoga he presented an application

to the District Superintendent of Police that he did not want to be free; that his apology was secured by fraud in the Central Jail and that he might be sent back; as that was not done, he went to cut some toddy trees and was again arrested and convicted; and that he then sent an apology from the hospital where he was sent for treatment which, it appears, was rejected on account of his previous conduct. He presented a petition to me apologising for his conduct and praying that he may be released. That petition I sent on to the Deputy Commissioner. Further comment on this man's attitude is unnecessary.

As against this large volume of evidence, there is no evidence that any volunteer apologised on account of violence used to him by the police. It is not seriously alleged that in the Shimoga Jail or Lock-up any force was used to extract apologies. Mr. Puttanna, Superintendent of the Sub Jail, Shimoga, has deposed to the effect that a number of prisoners detained in the jail expressed their genuine regret for what they had done and apologised and that their apology was accepted and they were released. Mr. Somappa, District Superintendent of Police, corroborates the evidence above-mentioned in every particular.

Coming to Channagiri, it is not seriously suggested that the apologies tendered by the

Channagiri satyagrahis were extorted by force. The evidence of the Amildar, Witness No. 36, is that out of a batch of 37 arrested on one day, 27 tendered apologies and were released by the Deputy Commissioner. The satyagraha agitation in that taluk, it appears, lasted from the 16th to the 22nd October; that after arrest, the people were detained in the lock-up and then sent on to Shimoga. Thirteen persons were arrested on the Vijayadasami day for cutting 40 toddy trees. It appears they were convicted and released under Section 562 on their expressing regret for their action and undertaking not to take part in any such activities thereafter.

There is also evidence that Mr. K.P. Ramanathiah, the ex-officio Magistrate, visited Hodigere on the 25th of October by which time the satyagraha activities had stopped in the Channagiri Taluk. The Amildar says that some leaders of the village, including the Dictators, viz., Hebbur Veerappa and Huggi Eswarappa met the Sub Division Officer then, expressed regret for what had happened in the village and presented a petition, Exhibit No. 21. The petition refers to the circumstances under which they were arrested. In that petition, the petitioners regret for what had happened in the village, give an undertaking that they would not indulge in such activities in future and they also acknowledge with thanks their release from the jail.

It is futile to suggest in the light of the above facts that apologies submitted by the satyagraha prisoners in the Shimoga District were extorted from them by the police.

Chitaldrug District:- I shall now consider whether the apologies given by the satyagrahis in the Chitaldrug District were extracted by coercion or by the use of force. I have already referred to the evidence of Mr. Venkatashamanna and Mr. Bheema Rao that a large number of persons who had been detained in the temple on the 10th begged for their intervention to be let off. They have also stated that on their suggestion, a large number of persons were let off by the Amildar. Mr. Venkatashamanna has also stated that of the five who were sent on to Chitaldrug on the 10th of October, three tendered apology in open court. Oba, Witness No. 53, one of those who so apologised, stated that their apologies were not extracted by force or coercision. I have shown in another connection that even Gowramma of Chilangi voluntarily tendered an apology to the Amildar at - Kolahalu on the advice of Shanbhogue Hulikunta Rao, Witness No. 57, and she has not herself stated that

she was

she was coerced into doing it. Evidence is absolutely wanting to establish that apologies in this District were extorted from the satyagrahis by force or torture.

It may be observed in general that the allegations that apologies were extorted by force or torture are ~~very~~ very vague and indefinite. Those who made such accusations have not mentioned who were subjected to force or whose apologies were taken by coercion. Some witnesses have come forward and stated that they tendered their apologies voluntarily and that no force of coercion was used to any of the volunteers who tendered apologies. This is another instance of the way in which false allegations had been made in order to explain away the action of some of the Congress volunteers who had been misled being young and irresponsible people into taking active part in ~~the~~ 'forest satyagraha'. Oba has said that he did not know anything of these movements and that he followed the others when asked to do so. Many of the persons who have taken part in these movements are young and irresponsible people having no idea whatsoever either of 'satyagraha' or of the movement for swaraj and have been I think led into these activities by false hopes and misrepresentations.

VIII.

CONCLUSION.

In the preceding sections, I have given my conclusions with respect to the points that have arisen for consideration in this enquiry. To sum up, I am of opinion that the allegations that certain persons accused of offences in connection with the political movement were assaulted by police and other subordinate officers, and that they were subjected to torture ~~by police~~ in order to extract apologies from them, are not true. I may also mention that the satyagraha prisoners in most of the places were generally provided with proper accommodation and food, though there are reasons to think that at Kolar Gold Fields and Hiriyur the arrangements with regard to food were not altogether satisfactory.

Before concluding, I may observe, as I have mentioned already, that most of the persons who made accusations of assault and torture, did not attempt to establish those charges. However, a large volume of oral and documentary evidence, both official and non-official, has been adduced before me, some of which are undoubtedly reliable and free from any taint of partiality; and it is a relief to me that I have been able to base my conclusions on the

materials so available and on broad probabilities and not generally on the fact that the complainants have failed to adduce evidence in proof of their allegations.

My thanks are due to the witnesses who have appeared before me and given evidence. My thanks are also due to the Government Officers who have rendered all the help needed in this enquiry. Mr.H.K.N. Acharya, and messrs Mr.T.Venkatasubba Sastry and ~~Mr~~.B.Bhima Rao conducted the case on behalf of the officers complained against in the Districts ~~Court~~ of Shimoga and Chitaldrug respectively and they were of much help and I must express my obligations to them.

M Keshavachar

24-2-'40

APPENDICES.

(a) List of Witnesses.

(b) List of Exhibits.

(a) LIST OF WITNESSES.

Date.	Place of Examination, & Witnesses examined.	Remarks.
17th Jany. 1940.	Bangalore.	
	1. B. Bhogappa, Inspector of Police, Devanhalli.	
18th Jany. 1940.	2. H.K. Doddanna, Convict No. 6153. Kasturirangappanahalli.	Examined in the Central Jail, Bangalore.
-do-	3. H. Dastagiri Sab, Convict No. 6160.	-do-
-do-	4. Kasim Sab, Convict No. 6172.	-do-
-do-	5. Dasappa, Convict No. 6179.	-do-
-do-	6. C. Rangiah, Convict No. 6171.	-do-
-do-	7. T. Rangappa, Convict No. 6163.	-do-
-do-	8. Kenga, Convict No. 6243.	-do-
19th Jany. 1940.	9. Mr. Abdulla Hussein Sheriff, Son of Mohamed Sayed Sheriff, Superintendent, Central Jail, Bangalore.	
	Kolar.	
22nd Jany. 1940.	10. K.S. Chennappa, Son of Chikka Sonnappa, Resident of Melur, Sidlaghatta Taluk.	
-do-	11. Mr. V.N. Srikantiah, Son of V.S. Nagappa, Clerk, Deputy Commissioner's Office, Kolar.	

Date.	Place of Examination, & Witnesses examined.	Remarks.
	Kolar.	
22nd Jany. 1940.	12. Mr. A.Mahomed Rahimuddin, Son of A.C. Abdul Ali Sahib, Vice President, Bowringpet Municipal Council.	
23rd Jany. 1940.	13. Chicknarasimhiah, Son of Dasappa, Resident of Sadali, Sidlaghatta Taluk.	
	Kolar Gold Field.	
23rd Jany. 1940.	14. Mr. M.P. Rama Rao, Son of Padmanabha Rao, Inspector of Police, Detective Department Kolar Gold Field.	
-do-	15. Govindaswamy, Son of Godi Setty, Police Constable, K.G.F.	
-do-	16. V. Nanjaiah, Son of Veeriah, Sub Inspector of Police, Oorgaum Police Station, Kolar Gold Field.	
-do-	17. Yesvant Rao, Son of Ramachandra Rao, Police Constable No. 11 Detective Department, Kolar Gold Field.	
-do-	18. Venkatasubba Rao, Son of R. Rama Rao, Jamedar, Oorgaum Police Station.	
-do-	19. Karambiah, Son of Ponnappa, Duffedar, Detective Department, K.G.F., Oorgaum.	
-do-	20. Mr. V. Narayana Chetty, Son of Venkataramana Chetty, Police Inspector, Champion Reef "A" Division.	

Date.	Place of Examination & Witnesses examined.	Remarks.
	Bangalore.	
25th Jany. 1940.	21. Basaviah, Son of Sivalingiah, Third Grade Head Warder, Central Jail, Bangalore.	
26th Jany. 1940.	22. M. Keshava Murthy Rao, Son of M. Narayana Rao, Sub Inspector of Police, D.I.B., Bangalore.	
	Shimoga.	
29th Jany. 1940.	23. Mr. A. Narasimhiengar, Son of Srinivasiengar; 74 years of age; Brahmin by caste; Resident of Sagar. Occupation:Land-lord.	
-do-	24. Mr. C. Ramachandra Rao, Son of C. Krishnappa, Sub Division Officer, Sagar.	
-do-	25. Sivalingappa, Son of Ajjappa Gowda, Resident of Ginival, Sorab Taluk.	
-do-	26. Manjappa, Son of Sonna Manjappa, Kachinkatte, Shimoga Tk.	
-do-	27. Thammayya, Son of Srinivasa Holla, Hotel keeper, Sagar.	
-do-	28. Koti, Son of Sanka, Cooly, Resident of Sagar.	
-do-	29. Subbaraya alias Subraya Son of Manjappa, Talguppe, Sagar.	
-do-	30. Kariappa, Son of Rangappa, Trader, Kachinakatte, Shimoga Taluk.	

Date.	Place of Examination, & Witnesses examined.	Remarks.
	Shimoga.	
30th Jany. 1940.	31. Mr. N. Srikantiah, Son of Anantha Rao Bhatta, Vice President, Shimoga Municipality.	
-do-	32. Nagappiah, Son of Kuppiah, Hotel Keeper, Shimoga.	
-do-	33. Basavaiah, Son of Murugiah, Hotel Keeper, Shimoga.	
-do-	34. Mr. B.N. Subba Rao, Son of B. Narasimhiah, Overseer, Shimoga Municipality.	
-do-	35. K. Narayana Rao, Son of K. Krishna Rao, Manager, Krishna Bhavan Hotel, Shimoga.	
-do-	36. Mr. M. Shashadri, Son of Mr. Venkatachar, Amildar, Chennagiri.	
-do-	37. Bangarappa, Son of Veeranna, Agriculturist, Sorab.	
-do-	38. Dyavappa, Son of Basappa, Sorab.	
-do-	39. Mr. D.S. Hanumantha Rao, Son of D. Swami Rao, Police Inspector, Sagar.	
31st. Jany. 1940.	40. Mr. U.K. Somappa, Son of U.S. Kalappa, District Superintendent of Police, Shimoga.	
-do-	41. Mr. G.N. Puttanna, Son of Mr. Nanjappa, Superintendent, Sub Jail, Shimoga.	
-do-	42. Mr. N. Kesaviengar,	

Date.	Place of Examination, & Witnesses examined.	Remarks.
	Shimoga.	
31st Jany. 1940.	42. Mr. N. Kesaviengar, Son of N. Narasimhiengar, Sub Inspector of Police, Sagar.	
-do-	43. Mr. B. Puttaveeriah, Son of Shantaveerappa, Police Inspector, Shimoga Tk.	
	Shimoga Sub Jail.	
1st Feby. 1940.	44. Parasa, Son of Malla, Agriculturist, Gilal Gundi. Prisoner, Sub Jail, Shimoga.	Examined in the Shimoga Sub Jail.
-do-	45. B. Venkata Rao, Son of Sreenivasa Rao Sagar.	-do-
-do-	46. C. M. Venkatappa, Son of Muniswamiah, Agriculturist, Closepet.	-do-
-do-	47. N. Chinnappa, Son of Nallobiah, Cooly, Chikballapur.	
2nd February 1940.	48. Mr. Mahomed Dastagir, Son of Mahomed Hayath, Police Sub Inspector, Chennagiri.	
	Bangalore.	
3rd February 1940.	49. Mr. N. Puttarangaswamy, Son of Mr. B.S. Nagappa, District Superintendent of Police, (On leave).	
4th -do-	50. Mr. B. Garudachar, Son of Ramiengar, Sagar.	
	Chitaldrug.	

Date.	Place of Examination, & Witnesses examined.	Remarks.
	Chitaldrug.	
6th Feby. 1940.	51. Mr. B.N. Balakrishna Mudaliar, Son of Narayanaswamy Mudaliar, Contractor, Davangere.	
-do-	52. Mr. B.S. Ramachandra Murthy, Son of Mr. B. Bheema Rao, District Medical Officer, Chitaldrug.	
-do-	53. Oba, Son of Bharmappa, Kogundi.	
-do-	54. A. Venkataramiah, Son of A. Rama Rao, Head Warder, District Lock-up. Chitaldrug.	
-do-	55. Mr. B. Venkatashamanna, Son of Mr. Lakshminaranappa, Advocate, Chitaldrug.	
-do-	56. Mr. K. Bheema Rao, Son of Mr. Narasinga Rao, Pleader, Chitaldrug.	
-do-	57. Hulikunta Rao, Son of Hanumantha Rao, Shanbhogue, Silangi.	
-do-	58. Madakeri Naik, Son of Thatappa Naik, Political Pensioner, Bharama Sagar.	
7th Feby. 1940.	59. P.N. Rama Rao, Jamedar, Chitaldrug Town.	
-do-	60. Veerabhadrappa, Son of Chennabasappa, Police Daffedar, Bharamasagara.	
-do-	61. Lakshminarayana Rao, Son of Narasimhiah, Excise Patrol Sub Inspector, Bharamasagara.	

Date.	Place of Examination & Witnesses examined.	Remarks.
	Chitaldrug.	
7th Feby. 1940.	74. Mr. J. Mahomed Imam, Son of Bade Sahib, President, District Board, Chitaldrug.	
-do-	75. Mr. N. Madhava Rao, Son of Mr. Narayana Rao, District Superintendent of Police, Chitaldrug.	
-do-	76. Mr. K.G. Mahadevappa, Son of Munigappa, Amildar, Chitaldrug.	
	Bangalore Central Jail.	
12th Feby. 1940.	77. Hosalliah, Son of Channappa, Balagihalli, Tiptur Taluk.	Examined in the Bangalore Central Jail.
-do-	78. K.M. Puttaswami, Son of Murudappa, Chikballapur.	-do-
-do-	79. G.V. Venkataswami, Son of G.V. Venkatarayappa, Chikballapur.	-do-
-do-	80. K.G. Wodeyar Son of Guruyayya, Land holder, Kagod, Sagar Taluk.	-do-
-do-	81. K. Shivashankar, Son of K. Thimmappa, Student, Shimoga.	-do-
-do-	82. K.S. Ramachandra Setty, Son of K. Shamayya, Merchant, Shimoga.	-do-
-do-	83. M. Julappa, Son of Mallayya, Pittalali, Hiriyur Taluk.	-do-

Date.	Place of Examination and Witnesses examined.	Remarks.
	Bangalore Central Jail.	
12th Feby. 1940.	84. V. Krishna Murthy, Son of Narasinga Rao, Madhugiri.	Examined in the Bangalore Central Jail.
	Bangalore.	
13th Feby. 1940.	85. T.V. Muniveerappa, Son of Chowdappa, Thippenahalli, Kolar Tk.	
14th Feby. 1940.	86. Gavirangappa, Son of Gavappa, Weaver, Cubbonpet, Bangalore City.	
-do-	87. N. Srikantiah, Son of Nanjappa, Narayanasetty Pettah, Bangalore City.	
15th Feby. 1940.	88. Munivenkatappa, Son of Appiah, Warder, Central Jail. Bangalore.	
-do-	89. Ramalingachari, Son of Naranachar, Goldsmith, Bangalore.	
16th Feby. 1940.	90. B.V. Srinivasiah, Ganigar A. Lane, Bangalore City.	

EXHIBITS.

Bangalore.

Ex.1 (a) Petition dated 22nd Nov.1939 from Julappa and others, residents of Kasturi Rangappana Halli, to the First Member of Council.

(b) Petition dated 22nd November 1939 from Hampanur Thippanna and Mudegowdana Rangappa, residents of Kolahalu, Chitaldrug District.

Ex.2. Original letter from T. Siddalingiah to Mr. Raju recovered from Gaviappa, Convict No.5242 by the Superintendent of the Central Jail, Bangalore.

Kolar

Ex.3. Statement dated 27-9-39 tendering apology to the Deputy Commissioner, Kolar by K.S. Krishna Murthy, son of K. Shama Rao, No.25, Ulsoorpet Narasimhajois Lane, Bangalore City and others.

Ex.4. Statement dated 27-9-39 tendering apology to the Deputy Commissioner, Kolar, by M. Munisamappa and others of Melur village.

Ex.4 (a) Statement date 27-9-39 tendering apology to the Deputy Commissioner, Kolar, by Venkatarayappa son of Lakshmiah, Banajiga and others of Sadaligrama.

Ex.4 (b) Statement dated 27-9-39 tendering apology to the Deputy Commissioner, Kolar, by Ramudu, son of late Police Lakshmanna, Setti Banajiga, Myalapalu, Goribidnur Taluk.

Ex.4 (c) Statement dated 27-9-39 tendering apology to the Deputy Commissioner, Kolar, by Venkatarayappa, son of Hanumanthappa, Vokkaligar by caste, and another of Chowdasandra village near Melur.

Ex.4 (d) Statement dated 27-9-39 tendering apology to the Deputy Commissioner, Kolar, by Yerrappa, son of Subbanna, Vokkaligar, Pathapalya.

Ex.4 (e) Statement dated 27-9-39 tendering apology to the Deputy Commissioner, Kolar, by A. Narayana, son of Appenna, Malamachanahalli village.

Ex.5 Statement dated 27-9-39 & tendering apology to

the Deputy Commissioner, Kolar, by K.S.Krishna-Murthy, son of K. Shama Rao, Door No.25, Ulsoor-pet, Narasimha Jois Lane, Bangalore City.

Ex.5 (a) Statement dated 27-9-39 tendering apology to the Deputy Commissioner, Kolar, by Sreenivas, son of Munisamappa of Kolar.

Ex.6. List of Congress volunteers of Sidlaghatta Taluk who were convicted in connection with the Satyagraha movement at Kolar Gold Fields.

Ex.7. Statement ~~of~~ dated 19-9-39 tendering apology to the Deputy Commissioner, Kolar by R. Batchappa son of Ragimakanahalli Venkataramanappa, aged 20 years, Vokkaligar, Melur village, Jangamakote Hobli, Sidlaghatta taluk.

Kolar Gold Fields.

Ex.8. Mutchalika executed by Gavirangappa, Narayanappa, Munisamiah and Subbiah before Mr. Puttaranga-swamy, D.S.P. (Camp) Bowringpet, on 12-10-1939.

Bangalore

Ex.9. S.B. Report for the week ending 17th October 1939 of Devahahalli Taluk, sent by Mr. Bhogappa, Inspector of Police, Devanhalli Taluk to the D.S.P. Bangalore District.

Shimoga

Ex.10. Series of statements tendering apology recorded by Mr. C. Ramachandra Rao, Sub-Division Officer, Sagar. (14 sheets relating to 53 persons).

Ex.11. Statement dated 25-10-39 tendering apology to the Deputy Commissioner, Shimoga, by Basamanippa and 6 others of Yelavalli, Melur, Ginivala and Mallenahalli of Shikaripur and Sorab Taluks.

Ex.11 (a) Statement of Shivalingappa, son of Achappa Gowda, resident of Ginivala, recorded by the District Magistrate, Shimoga (Dated, 25-10-40).

Ex.12. Petition dated 17-10-39 from Krishna Murthy of Sagar and 5 others to the District Magistrate, Shimoga, requesting their release.

Ex.13. Petition dated nil from H.M. Rajasekhariah of Gama village and 6 others to the District Magistrate, Shimoga, requesting their release.

Ex.14. Bill dated 5-11-39 for the food supplied to the prisoners from the Proprietor, Ananda Bhavan, Brahmins restaurant, Sagar, (Shimoga), to the Sub Inspector of Police, Sagar.

Ex.15. Petition dated 22-10-39 from Rajaiah Setty ~~of~~ and Manjappa, residents of Rangare Keri, Shimoga and Kachinakatte respectively, to the Deputy Commissioner, Shimoga, requesting their release.

Ex.16. Statement dated 6-10-39 tendering aplogy ~~ed~~/by C.N. Ranganatha Setty, son of Narayanappa, Shimoga town to the Deputy Commissioner, Shimoga

Ex.17. Statement dated 6-10-39 tendering apology to the Deputy Commissioner, Shimoga by G. Lakshman Rao, Bin Hanumantha Rao, Rajanur.

Ex.17(a) Statement of G. Lakshman Rao,(Ex.17) recorded by the Deputy Commissioner, Shimoga.

Ex.18. Statement dated 18-10-39 tendering apology to the Deputy Commissioner, Shimoga, by Ramachandra Bhatta and 9 others, residents of Nistusi village, Sorab and Sagar Taluks.

Ex.19. Bill dated nil. for the food supplied to the prisoners on various dates from K. Nagappiah Proprietor, Sriramaprasanna,Coffee Club, Shimoga, B.H. Road, K. Nagappiah & Bros., ~~Rxxxxxx~~

Ex.20. Plan of armoury at Shimoga drawn by Mr. B.N. Subba Rao, Overseer, Shimoga Munivipality.

Ex.21. Bill dated 5-11-39 for the food supplied to the prisoners from the Proprietor of Ananda Bhavan, Brahmin's Restaurant, Sagar, to the Sub Inspector of Police, Sagar.

Ex.22. Site plan of Sagar Kasaba Police Station.

Ex.23. Statement showing particulars of arrests and convictions in the Shimoga District under I.P.C., Cr.P.C., and Public Securities Act.

142

Ex.24.	A report of the speech made by Mr. Bhupalam Chandrasekhara Setty in the Representative Assembly, in Viswakaranataka dated 18th October, 1939.
Ex.24 (a)	Particular passage marked of Ex.24.
Ex.25.	Judgment of the Criminal Case No.184 of 39-40 in the Court of the Special First Class Magistrate, Shimoga (Bovt.-vs- Mahadevappa and 13 others).
Ex.26.(series)	Statement of the accused in Ex.25.
Ex.27.	Judgment of C.C.No.219/39-40 in the Court of the Special First Class Magistrate, Sagar (Govt.-vs- Ramakrishna and others).
Ex.28 (series)	Statement of the accused in Ex.27.
Ex.29.	Copies of Hospital Case Sheets relating to Veerabhadrappa.
Ex.30.	Exp Statement of Veerabhadrappa recorded by the Deputy Commissioner, Shimoga.
Ex.31.	Govt. Notification dated 20th October 1939 directing Veerabhadrappa's detention in the Sub Jail, Shimoga.
Ex.32.	Letter dated 24th October 1939 from Messrs. H.C.Dasappa, K.T.Bhasyam and others to the Superintendent, Sub Jail, Shimoga, intimating that 25th of October 1939 had been fixed as a fasting day.
Ex.33.	Rakkkkkm Letter dated 25-10-39 in Kannada intimating that 25th of October had been fixed as a fasting day from the prisoners Shimoga Sub Jail, to the Superintendent of the Jail.
Ex.34	Sentry Relief Book, Sagar Kasba Station.
Ex.35.	-do- B.I Station, Shimoga town.
Ex.36.	-do- Shimoga Kasba Station.
Ex.37.	-do- P.R.P. Office, Shimoga.
Ex.38.	-do- Chennagiri Kasba Station.
Ex.39.	-do- Sandal Koti Lock Up, Sagar.

143

Bangalore.

Ex.40. Station House Diary, Devanhalli.

Ex.40 (a) An extract of Ex.40.

Chitaldrug.

Ex.41 (a) & (b) Extract of Admission register of convicts in the lock-up at Chitaldrug.

Ex.42. Extract of Medical Officer's Diary, Chitaldrug District Lock-up.

Ex.43. Handbill dated 6-10-39 signed by Gowdra Chennabasappa appealing to the public to participate in the forest satyagraha at Kolhal commencing from 9-10-39.

Ex.44. Bill of dieting and moving charges of under-trial prisoners, Chitaldrug Taluk.

Ex.44 (a) Entries relating to the persons arrested at Kolhal on the 9th and 10th of October.

Ex.45. Petition dated 25-11-39 to the Police Inspector of Hiriyur taluk by Md. Budan-Sab of Gorladaku stating that he was being harrassed by some congressmen of his village saying that he had disgraced the congress.by executing a mutchalika in order to release his nephews.

Ex.46. Judgment copy of Chitaldrug Sessions Case No.4/39-40.

Ex.47. Statistics relating to cases launched in connection with satyagraha movement.

Ex.48. An extract of Tainadu dated 16th October 1939 regarding the Kolhal incidents at Kolhal, Chitaldrug Taluk.

Ex.49. Copy of a statement making allegations against the police and local authorities by G.Rangappa and S.Thippanna of Kolhal Chitaldrug Taluk.

Ex.50 to 50 (g) Mutchalikas executed by some of the satyagraha prisoners to the District Magistrate, Chitaldurg.

Ex: 50(b)(1) Mutchalika executed by Gowramma of Chilangi village to the Amildar, Chitaldrug Taluk.

Ex: 51 Letter from the Law Secretary to the Government of Mysore to the District Magistrate, Chitaldrug, camp, Mysore, dated 14-10-1939 conveying approval of Government for withdrawl of the case filed against Uppinamurugappa accused in C.C.No.23 of 39-40 on the file of the I Magistrate, Chitaldrug.

Ex: 52 Copy of judgment in C.C.No.23 of 39-40 dated 29-9-39 in the court of the I Magistrate, Chitaldrug. (Govt. -vs- K.M.Rajasekharaiya and 14 others)

Ex: 53 Copy of judgment in C.C.No.24 of 39-40 dated 14-10-1939 in the court of I Magistrate, Chitaldrug. (Govt. -vs- P.Sitarama Reddy and 6 others)

Ex: 54 Copy of judgment in C.C.No.28 of 39-40 dated 16-10-39 in the court of the I Magistrate, Chitaldrug (Govt. -vs- C.V.Krishna Murthy and 7 others)

Ex: 55 Copy of judgment in C.C.No.58 of 39-40 dated 1-11-39 in the court of the I Magistrate, Chitaldrug. (Govt. -vs- Ugriah and 15 others)

Ex: 56 Satyagraha Map of Chitaldrug District.

Ex: 57 Letter dated 8-10-39 from the Special Superintendent of Police, Champion Reef, reporting the congress activities at Bowringpet.

Ex: 58(a) Summons served on Gavirangappa on 17-1-40.

Ex: 59 Statement of Sreekantappa re: his congress activities.

Ex: 60 Mutchalika executed by Messrs. Sreekantiah, Guruswamy, T.Narayanappa and Chinnappa to the Government.

Ex: 61 Station House Diary dated 13-10-39 of Devanahalli Kasaba range, Devanahalli.

Ex: 62 T.A.bill register of Special Superintendent of Police, K.G.F.

E

145

Ex: 63 Weekly diary of Mr.N.Puttarangaswamy, D.S.P. K.G.F. ending 14-10-39.

Ex: 64 Confidential letter No.C.C.~~&~~ 15/39-40 dated 12-10-39 from Mr.Puttarangaswamy, Special Superintendent of Police, Champion Reef reporting further activities of Congress at Bowringpet.

Ex: 65 Station House Diary Vol. 6 from 28-8-39 to 11-9-39 of A2 Station, Oorgaum.

Ex: 66 Plan of the Police Officer's club in the detective Police lines, Oorgaum, K.G.F.

Ex: 67 Plan of Jamadar's quarters, dectective lines, Oorgaum, K.G.F.

Ex: 68 Letter No.2898/F2 dated 8-12-39 from the Superintendent, Bangalore Central Jail, to the I.G. of Prisons in Mysore, reporting that Warders Curzon and Kempiah were mis-handled by certain political prisoners and that Kengiah was sent to Victoria Hospital.

Ex: 69 Letter No.2970/F2 dated 13-12-39 from the Superintendent, Central Jail, Bangalore to the I.G. of Prisons, Bangalore.

Ex: 70 D.O.letter No.138-800 dated 13-12-39 from the I.G.of Prisons to the Law Secretary to Government re: prisoner Kengiah.

Ex: 71 Copy of letter No.2898/F2 dated 8-12-39 from the Superintendent, Central Jail, to the I.G.of Prisons, Bangalore, re: prisoner ~~Kxxixgxk~~ Kengiah.

Ex: 72 Statement dated 9-2-40 of B.V.Sreenivasaiah of Cubbonpet, Bangalore.

Ex: 73 Receipt for Rs.0-13-6 for the meals supplied to congress volunteers at Bowringpet.

Ex: 74 Letter No.C.C.15/39-40 dated 11-9-39 from the Special Superintendent of Police, K.G.F. reporting the congress activities at Bowring-pet.

Ex: 75. Letter No.C.C.15/39-40 dated 13-9-39 from the Special Superintendent of Police, K.G.F. reporting further congress activities at Bowringpet.

Ex: 76(a) Letter No.P.5386 dated 7-2-40 from the Law

Secretary to Government to the Superintendent, Central Jail, Bangalore calling for particulars of the released prisoner Dyavanna.

Ex: 76(b) Letter No.561/F-36 to the Law Secretary to Government from the Superintendent, Central Jail reporting release of prisoner Dyavanna.

Ex: 76(c) Statement showing names of political prisoners released on 5-2-1940.

CB 2696

Mr. Justice A. R. NAGESVARA IYER.

Bangalore,
March
Dated, ~~February~~ 5, 1940.

C.B. 1115/643

Dear Mr. Kesavaiengar,

I am sending herewith the original Exhibits and Notes of evidence connected with the Enquiry re: the allegations of police excesses on political prisoners and return the Secretariat files sent for reference.

Yours sincerely,

N. Nageshwara Iyer

Rajasevaprasakta
B. T. Kesavaiengar, B.A.,
Chief Secretary to Government,
Bangalore.

D. O.

HIGH COURT
OF MYSORE,
BANGALORE.

CSB
NRS
22/3/40

Mar 21, 1940

Dear Mr. Kesavamurthy,

This afternoon I returned the proofs which I had been kindly sent to me. The corrections which I had made in the first proof do not affect the corrections made in the 2nd and Therefore to the extent possible, my corrections in the first may also be kindly adopted.

Incid. All these corrections had already been incorporated in the Proof sent to him.

Yours Sincerely,
N. Narasimhaiya

Ans
NRS
20/3

As desired by the Dewan, I am forwarding herewith for favour of your perusal and kind scrutiny a copy of the draft Government Order on the report furnished by Mr. Nagesvara Iyer on the enquiry ordered by Government. A proof copy of the report also is enclosed for your reference.

Sir D'Arcy H.D.C. Reilly, I.C.S.,
Chief Justice, High Court of Mysore,
B a n g a l o r e.

30th March 40

I am forwarding herewith for favour of your remarks a draft Government Order on the report furnished by you to Government. A final proof of the report is also enclosed for your reference.

Mr. Justice A.R. Vageswara Iyer,
Judge, High Court of Mysore,
Bangalore.

HIGH COURT OF MYSORE

BANGALORE

Dated 31 March 1940

Subd.
The draft G.O. will be further revised on the lines indicated.
1/4/40

Dft. for approval.
Sir Thumboo Desai

Dear Dr. Kesavaiengar

Thank you for your letter of 30 March & for the copy of Nagesonna Iyer's report & the draft Government Order on it, both of which I return with this.

May I suggest that in the first sentence of the G.O. it would be better not to refer to "exaggerated" accounts, as that word implies that there was some truth in them? Would it not be better to begin by saying something like this:-

"Sensational allegations of ill-treatment & harassment in connection with 'civil disobedience' & the violent destruction of data from

in parts of the State in September
- October 1939 - of torture in
order to make such persons
apologise for their conduct
was specially made in
speeches delivered by members
of the Ryson Congress re re"?

Then in paragraph 3 after setting out
the allegations I suggest that the
main result of the inquiry, i.e.
the failure of the allegations should
be brought out more prominently
with firm comment as that that
failure means. I suggest that
that part of paragraph 3 - the
beginning of paragraph 4 might
run somewhat as follows, viz:-

"After considering all the
evidence available Mr Justice
Norgrove has found
that in no instance has an
allegation of torture or ill
treatment from arrested
persons in order to induce
him to apologise for his

conduct or for any other purpose been made out. Nor is it found that any such person was put to undue hardship & being left in a forest tract & an uninhabited area. Dr. Justice Nageswara Iyer has found that in one instance sufficient arrangements were not made for the feeding of a batch of persons in the Kolar District & that there may have been a failure in that respect in regard to another batch in the Chitaldrug District though that is not clearly established.

4. The Government accept Dr. Justice Nageswara Iyer's findings. It is very unfortunate that in spite of the opportunity given by this inquiry not one of the many grave allegations of torture or ill-treatment

Q implies removal of Tirs with a purpose

has been made out. In a great majority of instances those who made the allegations have refused to give a shadow evidence in support of them, though invited to do so. The cowardice of making such allegations against subordinate officers but refusing to support or withdraw them will be condemned by all right thinking people. It is clear as the result of the inquiry that these allegations are lying propaganda invented to explain away the unanswerable apologies offered for the conduct & behaviour of the political association concerned."

And then there might be remarks on the draft S.O. about conduct of Police, Guard arrangements &c. I think

5/

the two instances of food arrangements I have mentioned in these notes to the draft G. O.

Yours sincerely

D'Arcy Rielly

Rajaswaprasakta

R. T. Kesavaiengar Esq.

Chief Secretary to the

Government of His Highness

the Maharaja of Mysore

HIGH COURT OF MYSORE

Bangalore
31 - 3 - 40

Dear Mr Kesavayyar,

Thanks for your D. O. of the 30th inst.
I have nothing particular to say except that no remarks are made in the draft Order re the ~~matter~~ question raised in para 3 clause 4. That is however an unimportant matter.

Enclosures are herewith returned.

Yours Sincerely
N. Raghavendra Rao

Subd.
The point mentioned in the letter re fees of having arrested persons in distant places. In the few cases in which this was done, it was done of wrong names & wrong addresses given and also of the fact that it shd act as a detriment of the Subjects from coming back

1st Secretary to Dewan

NRR 1/4

Proceedings of the Govt. of H.H. the Maharaja of Mysore.

Read:

Flag "K" Government Order No. 3420-73/C.B. 98-39-1 dated 8th January 1940, directing the appointment of Mr. Justice A.R. Nagesvara Iyer Judge, High Court of Mysore, to hold an inquiry into the allegations made by the members of the Mysore State Congress that certain persons accused of offences in connection with the recent political movement were assaulted by Police and other subordinate officers.

* Flag "H" 2. Press Communique No. 3563/C.B., dated 12th January 1940, stating that complainants and officers complained against may, if they so desire, be represented by Counsel and requesting those who have a personal knowledge of the alleged incidents to give evidence before the Inquiry Officer.

* Flag "G" 3. Letter dated 24th February 1940 from Mr. A.R. Nagesvara Iyer forwarding his report to Government.

Order thereon No. 4805-58/CS.98-39-1

Bangalore, dated 19th April 1940

Sensational allegations of ill-treatment of persons arrested in connection with 'Civil disobedience' and the violent destruction of date-trees in parts of the State in September and October 1939 and of torture in order to make such persons

persons apologise for their conduct were repeatedly made in speeches delivered by members of the Mysore State Congress, and comments of a similar nature also appeared occasionally in some of the local papers. The allegations being of a serious nature, Government considered it desirable to order an independent and impartial inquiry. Mr. Justice A.R. Nagesvara Iyer was appointed as Inquiry Officer and he was requested to submit his report to Government after a thorough and exhaustive inquiry. A Press Communiqué was also issued requesting all those who had any personal knowledge of the alleged incidents to give evidence before the Inquiry Officer.

2. Mr. Nagesvara Iyer commenced his inquiry accordingly on 17th January 1940 and held 25 sittings. He has examined 90 witnesses, including 53 non-officials, of whom 17 are persons who had taken part in the movement. Mr. Nagesvara Iyer has mentioned in his report that most of the persons who made accusations of assault and torture did not attempt to establish those charges, notwithstanding the facilities offered to them. Nevertheless, a large volume of oral and documentary evidence, both official and non-official, was adduced before the Inquiry Officer, on the basis of which he has been able to arrive at his conclusions.

3. The main allegations in respect of which the inquiry was ordered are the following:

> (1) That several persons arrested in connection with the Civil Disobedience movement were ill-treated by the Police and some subordinates of the Excise Department;
>
> (2) That some of them were subjected to torture in order to extort apologies from them;
>
> (3) That they were not given proper accommodation and food;
>
> (4) That some of the arrested persons were released in forest tracts and uninhabited areas far away from their homes.

After considering all the evidence available, Mr. Justice Nagesvara Iyer has found that in no instance has an allegation of torture or ill-treatment of an arrested person, in order to induce him to apologise for his conduct or for any other purpose, been made out. Nor is it found that any such person was put to undue hardship by improper accommodation while a prisoner, or by being left in a forest tract or an uninhabited area. Mr. Justice Nagesvara Iyer has found that in one instance sufficient arrangements were not made for the feeding of a batch of persons in the Kolar District, and that there may have been a failure in that respect in regard to another batch in the Chitaldrug District, though that is not clearly established.

4. The Government accept Mr. Justice Nagesvara Iyer's findings. It is very remarkable that, in spite of the opportunity given by this inquiry, not one of the many grave allegations of torture

torture or ill-treatment has been made out. In a great majority of instances, those who made the allegations have refused to give or produce evidence in support of them, though invited to do so. The unfairness of making such allegations against public officers, but refusing to support or withdraw them, will be condemned by all right-thinking people.

Government desire to place on record their appreciation of the care and trouble taken by Mr.Justice Nagesvara Iyer in conducting the inquiry.

4/4

Chief Secretary to Government.

To

Mr. Justice A.R. Nagesvara Iyer.
The I.G.P. in Mysore.
The Excise Commissioner in Mysore.
The Dt. Magistrates of Districts.
The other Heads of Deptts.

To complete MS.

PROCEEDINGS OF THE GOV'. of H.H. THE MAHARAJA OF MYSORE.

Read:

Government Order No. 3420-73/C.B. 98-39-1 dated 8th January 1940, directing the appointment of Mr. Justice A.R. Nagesvara Iyer, Judge, High Court of Mysore, to hold an independent and impartial inquiry into the allegations made by the members of the Mysore Congress that certain persons accused of offences in connection with the recent political movement were assaulted by Police and other subordinate officers.

2. Press Communique No. 3563/C.B. dated 12th January 1940 stating that complainants and officers complained against may, if they so desire, be represented by Counsel and requesting those who have a personal knowledge of the alleged incidents to give evidence before the Inquiry Officer.

3. Letter dated 24th February 1940 from Mr. A.R. Nagesvara Iyer forwarding his report to Government.

ORDER THEREON No.

Bangalore, dated 1940.

Exaggerated ~~complaints~~ accounts regarding the alleged ill-treatment of certain persons who were arrested in connection with the Civil Disobedience Movement were given expression to ~~being made~~ in some of the speeches delivered by members

members of the Mysore Congress, and comments of a similar nature also appeared occasionally in some of the local papers. The allegations being of a serious nature involving the conduct of responsible public servants in the discharge of their duties, Government considered it desirable to order an independent and impartial enquiry in the interests of maintaining the purity and efficiency of the administration and also giving an opportunity to the officers concerned to vindicate their conduct. Mr. Justice A.R. Nagesvara Iyer was appointed as Inquiry Officer and he was requested to submit his report to Government after a thorough and exhaustive enquiry. A Press Communique was also issued requesting all those who had any personal knowledge of the ~~xxx~~ alleged incidents to give evidence before the Inquiry Officer.

2. Mr. Nagesvara Iyer commenced his enquiry accordingly on 17th January 1940 and held 25 sittings. He has examined 90 witnesses, including 53 non-officials of whom 31 are persons who had taken part in the movement. Mr. Nagesvara Iyer has mentioned in his report that most of the persons who made accusations of assault and torture did not attempt to establish those charges, notwithstanding the facilities afforded to Officers them. Nevertheless, a large volume of oral and

After considering all the evidence available, Mr. Justice Nagesvara Aiyar has found that in no instance has an allegation of torture or ill-treatment of an arrested person in order to induce him to apologise for his conduct or for any other purpose been made out. Nor is it found that any such person was put to undue hardship by improper accommodation while a prisoner or by being left in a forest tract or an uninhabited area. Mr. Justice Nagesvara Iyer has found that in one instance sufficient arrangements were not made for the feeding of a batch of persons in the Kolar Dt. and that there may have been a failure in that respect in regard to another batch in the Chitaldrug Dt. though that is not clearly established.

and documentary evidence, both official and non-official, was adduced before the Inquiry Officer, on the basis of which he has been able to arrive at his conclusions.

3. The main allegations in respect of which the inquiry was conducted are the following:-

(1) That several persons arrested in connection with the Civil Disobedience movement were ill-treated by the Police and some subordinates of the Excise Department;

(2) That some of them were subjected to torture in order to extort apologies from them;

(3) That they were not given proper accommodation and food;

(4) That some of the arrested persons were released in forest tracts and uninhabited areas far away from their homes.

After an examination of all the materials available and the circumstances bearing on the subject, the Inquiry Officer has come to the conclusion that none of the above mentioned allegations is borne out either in substance or in detail and that the two instances in which some inconvenience was experienced in regard to the supply of food were rather unfortunate and due to circumstances of an unexpected nature.

4. The Government accept Mr. Justice Nagesvara Iyer's findings. It is very remarkable that in spite of the opportunity given by this inquiry not one of the many grave allegations of torture or ill-treatment has been made out. In a great majority of instances, those who made the allegations have refused to give or produce evidence in support of them, though invited to do so. The cowardice of making such allegations against public officers but refusing to support or withdraw them will be condemned by all right-thinking people. It is clear as the result of the inquiry that these allegations were lying propaganda invented to explain away the many numerous applogies offered for their conduct by followers of the political association concerned.

rnment accept the conclusions the Inquiry Officer and note s of the trying circumstances fficers had to act, the Police Officers conducted themselves ce from blame

ards the defect in the ade for food at the two d to in the report, it is view of the fact that the an unusually large number of o be provided for at very ome initial difficulty was making satisfactory this behalf owing to lack l facilities. The attention of the District Magistrates is drawn to this circumstance and they are requested to see that timely precautions are taken to avoid a recurrence of such troubles on any future occasion. Government, however, hope that such occasions ~~xiii~~ may not arise again at all.

Government desire to place on record their appreciation of the care and trouble taken by Mr. Justice Nagesvara Iyer in conducting the inquiry under the somewhat difficult circumstances in which it had to be done.

1115/30/3

Chief Secretary to Govt.

To

Mr. Justice Nagesvara Iyer.
The I.G.P. in Mysore.
The Excise Commissioner in Mysore,
The Dt. Magistrates of Districts.

Other Heads of Deptts.

S. O.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. 4805-58—C. B. 98-39-7, dated 19th April 1940.

Mr. Justice Nagesvara Iyer's Report.

Passes orders on —— on the allegations of police excesses on political prisoners.

READ—

Government Order No. 3420-73—C. B. 98-39-1, dated 8th January 1940, directing the appointment of Mr. Justice A. R. Nagesvara Iyer, Judge, High Court of Mysore, to hold an inquiry into the allegations made by the members of the Mysore State Congress that certain persons accused of offences in connection with the recent political movement were assaulted by police and other subordinate officers.

2. Press Communique No. 35 63—C. B., dated 12th January 1940, stating that complainants and officers complained against may, if they so desire, be represented by Counsel and requesting those who have a personal knowledge of the alleged incidents to give evidence before the Inquiry Officer.

3. Letter dated 24th February 1940, from Mr. A. R. Nagesvara Iyer, forwarding his report to Government.

ORDER No. 4805-58—C. B. 98-39-7, DATED BANGALORE, THE 19TH APRIL 1940.

Sensational allegations of ill-treatment of persons arrested in connection with "Civil Disobedience" and the violent destruction of date-trees in parts of the State in September and October 1939 and of torture in order to make such persons apologise for their conduct were repeatedly made in speeches delivered by members of the Mysore State Congress, and comments of a similar nature also appeared occasionally in some of the local papers. The allegations being of a serious nature, Government considered it desirable to order an independent and impartial inquiry. Mr. Justice A. R. Nagesvara Iyer was appointed as Inquiry Officer and he was requested to submit his report to Government after a thorough and exhaustive inquiry. A Press Communique was also issued requesting all those who had any personal knowledge of the alleged incidents to give evidence before the Inquiry Officer.

2. Mr. Nagesvara Iyer commenced his inquiry accordingly on 17th January 1940 and held 25 sittings. He has examined 90 witnesses, including 53 non-officials, of whom 17 are persons who had taken part in the movement. Mr. Nagesvara Iyer has mentioned in his report that most of the persons who made accusations of assault and torture did not attempt to establish those charges, notwithstanding the facilities offered to them. Nevertheless, a large volume of oral and documentary evidence, both official and non-official, was adduced before the Inquiry Officer, on the basis of which he has been able to arrive at his conclusions.

3. The main allegations in respect of which the inquiry was ordered are the following :—

(1) That several persons arrested in connection with the Civil Disobedience movement were ill-treated by the Police and some subordinates of the Excise Department ;

(2) That some of them were subjected to torture in order to extort apologies from them ;

(3) That they were not given proper accommodation and food ;

(4) That some of the arrested persons were released in forest tracts and uninhabited areas far away from their homes.

No. 4805-58—C. B. 98-39-7, DATED 19TH APRIL 1940.

After considering all the evidence available, Mr. Justice Nagesvara Iyer has found that in no instance has an allegation of torture or ill-treatment of an arrested person, in order to induce him to apologise for his conduct or for any other purpose, been made out. Nor is it found that any such person was put to undue hardship by improper accommodation while a prisoner, or by being left in a forest tract or an uninhabited area. Mr. Justice Nagesvara Iyer has found that in one instance sufficient arrangements were not made for the feeding of a batch of persons in the Kolar District, and that there may have been a failure in that respect in regard to another batch in the Chitaldrug District, though that is not clearly established.

4. The Government accept Mr. Justice Nagesvara Iyer's findings. It is very remarkable that, in spite of the opportunity given by this inquiry, not one of the many grave allegations of torture or ill-treatment has been made out. In a great majority of instances, those who made the allegations have refused to give or produce evidence in support of them, though invited to do so. The unfairness of making such allegations against public officers, but refusing to support or withdraw them, will be condemned by all right-thinking people.

Government desire to place on record their appreciation of the care and trouble taken by Mr. Justice Nagesvara Iyer in conducting the inquiry.

B. T. KESAVIENGAR,
Chief Secretary to Government.

To—Mr. Justice A. R. Nagesvara Iyer.
The Inspector-General of Police in Mysore.
The Excise Commissioner in Mysore.
The District Magistrates of Districts.
The Other Heads of Departments.
The Compiler, *Mysore Gazette.*

Exd.—B. G. S.

WD 3672—GPB—720—27-4-40

S. O.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. 4805-58—C. B. 98-39-7, dated 19th April 1940.

Mr. Justice Nagesvara Iyer's Report.

Passes orders on —— on the allegations of police excesses on political prisoners.

READ—

Government Order No. 3420-73—C. B. 98-39-1, dated 8th January 1940, directing the appointment of Mr. Justice A. R. Nagesvara Iyer, Judge, High Court of Mysore, to hold an inquiry into the allegations made by the members of the Mysore State Congress that certain persons accused of offences in connection with the recent political movement were assaulted by police and other subordinate officers.

2. Press Communique No. 35 63—C. B., dated 12th January 1940, stating that complainants and officers complained against may, if they so desire, be represented by Counsel and requesting those who have a personal knowledge of the alleged incidents to give evidence before the Inquiry Officer.

3. Letter dated 24th February 1940, from Mr. A. R. Nagesvara Iyer, forwarding his report to Government.

ORDER No. 4805-58—C. B. 98-39-7, DATED BANGALORE, THE 19TH APRIL 1940.

Sensational allegations of ill-treatment of persons arrested in connection with "Civil Disobedience" and the violent destruction of date-trees in parts of the State in September and October 1939 and of torture in order to make such persons apologise for their conduct were repeatedly made in speeches delivered by members of the Mysore State Congress, and comments of a similar nature also appeared occasionally in some of the local papers. The allegations being of a serious nature, Government considered it desirable to order an independent and impartial inquiry. Mr. Justice A. R. Nagesvara Iyer was appointed as Inquiry Officer and he was requested to submit his report to Government after a thorough and exhaustive inquiry. A Press Communique was also issued requesting all those who had any personal knowledge of the alleged incidents to give evidence before the Inquiry Officer.

2. Mr. Nagesvara Iyer commenced his inquiry accordingly on 17th January 1940 and held 25 sittings. He has examined 90 witnesses, including 53 non-officials, of whom 17 are persons who had taken part in the movement. Mr. Nagesvara Iyer has mentioned in his report that most of the persons who made accusations of assault and torture did not attempt to establish those charges, notwithstanding the facilities offered to them. Nevertheless, a large volume of oral and documentary evidence, both official and non-official, was adduced before the Inquiry Officer, on the basis of which he has been able to arrive at his conclusions.

3. The main allegations in respect of which the inquiry was ordered are the following :—

(1) That several persons arrested in connection with the Civil Disobedience movement were ill-treated by the Police and some subordinates of the Excise Department ;

(2) That some of them were subjected to torture in order to extort apologies from them ;

(3) That they were not given proper accommodation and food ;

(4) That some of the arrested persons were released in forest tracts and uninhabited areas, far away from their homes.

No. 4805-58—C. B. 98-39-7, DATED 19TH APRIL 1940.

After considering all the evidence available, Mr. Justice Nagesvara Iyer has found that in no instance has an allegation of torture or ill-treatment of an arrested person, in order to induce him to apologise for his conduct or for any other purpose, been made out. Nor is it found that any such person was put to undue hardship by improper accommodation while a prisoner, or by being left in a forest tract or an uninhabited area. Mr. Justice Nagesvara Iyer has found that in one instance sufficient arrangements were not made for the feeding of a batch of persons in the Kolar District, and that there may have been a failure in that respect in regard to another batch in the Chitaldrug District, though that is not clearly established.

4. The Government accept Mr. Justice Nagesvara Iyer's findings. It is very remarkable that, in spite of the opportunity given by this inquiry, not one of the many grave allegations of torture or ill-treatment has been made out. In a great majority of instances, those who made the allegations have refused to give or produce evidence in support of them, though invited to do so. The unfairness of making such allegations against public officers, but refusing to support or withdraw them, will be condemned by all right-thinking people.

Government desire to place on record their appreciation of the care and trouble taken by Mr. Justice Nagesvara Iyer in conducting the inquiry.

B. T. KESAVIENGAR,
Chief Secretary to Government.

To—Mr. Justice A. R. Nagesvara Iyer.
The Inspector-General of Police in Mysore.
The Excise Commissioner in Mysore.
The District Magistrates of Districts.
The Other Heads of Departments.
The Compiler, *Mysore Gazette.*

Exd.—B. G. S.

WD 3672—GPB—720—27-4-40

24th April 0

4970/B
Encl.

I am desired to send herewith two copies of your report of inquiry re: allegations of Police Excesses on political prisoners, with the Government Order thereon.

M
24/4.

A. R. Nageswara Iyer, Esqr., B.A., B.L.,
Judge, High Court of Mysore, Bangalore.

GENERAL AND REVENUE SECRETARIAT,

Dated Bangalore 24th April 1940.

D.O. No. 4901/CS
Encl

I am desired to forward for your ~~information~~ favour of perusal a copy of the Nagesvara Iyer Report with the Government Order thereon.

Sir D'Arcy Reilly,
Chief Justice, High Court of Mysore.